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Measures to eliminate international terrorism

Measures to eliminate international terrorism

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 50/53 of 11 December 1995, entitled "Measures to eliminate international terrorism". The information contained herein has been submitted by States and international organizations.

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I. Introduction

1. In General Assembly resolution 50/53 of 11 December 1995, entitled "Measures to eliminate international terrorism", the Assembly requested the Secretary-General to follow up closely the implementation of the Declaration on Measures to Eliminate International Terrorism (resolution 49/60, annex) and to submit an annual report on the implementation of paragraph 10 of the Declaration, taking into account the modalities set out in his report to the Assembly at its fiftieth session (A/50/372 and Add.1) and the views expressed by States in the debate of the Sixth Committee during that session.[1]

2. In paragraph 10 of the Declaration, the General Assembly requested the Secretary-General to assist in the implementation of the Declaration by taking, within existing resources, the following practical measures to enhance international cooperation:

> "(a) A collection of data on the status and implementation of existing multilateral, regional and bilateral agreements relating to international terrorism, including information on incidents caused by international terrorism and criminal prosecutions and sentencing, based on information received from the depositaries of those agreements and from Member States;
>
> "(b) A compendium of national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations, based on information received from Member States;
>
> "(c) An analytical review of existing international legal instruments relating to international terrorism, in order to assist States in identifying aspects of this matter that have not been covered by such instruments and could be addressed to develop further a comprehensive legal framework of conventions dealing with international terrorism;
>
> "(d) A review of existing possibilities within the United Nations system for assisting States in organizing workshops and training courses on combating crimes connected with international terrorism."

3. By a note dated 22 February 2002, the Secretary-General drew the attention of all States to General Assembly resolution 49/60 of 9 December 1994 and the Declaration annexed thereto and requested them to submit information on the implementation of the Declaration under paragraphs 10 (a) and (b) thereof by 31 May 2002. In the note, the Secretary-General also noted that in the information to be submitted by States they might wish to give particular attention to paragraph 5 of Security Council resolution 1269 (1999). Furthermore, by a letter dated 22 February 2002, the Secretary-General invited relevant specialized agencies and other organizations to submit information or other relevant material on the implementation of the Declaration, pursuant to its paragraphs 10 (a) and (d), by 31 May 2002.

4. As at 28 June 2002, replies had been received from Bahamas, Belarus, Bosnia and Herzegovina, Brazil, Cook Islands, Cuba, the Dominican Republic, Guatemala, Italy, Liechtenstein, Lithuania, Malaysia, Monaco, Norway, Pakistan, Palau, Panama, Qatar, the Republic of Moldova, Slovenia, Spain, Sweden, Tunisia and the United Arab Emirates. Replies had also been received from the following bodies of the United Nations system: Office for Drug Control and Crime Prevention of the Secretariat, International Maritime Organization, International Monetary Fund, United Nations Educational, Scientific and Cultural Organization, Universal Postal Union and World Health Organization. The following intergovernmental organizations had also replied: Council of Europe, League of Arab States and Pacific Islands Forum.

5. Sections II, III and IV of the present report contain information about measures taken at the national and international levels, based on materials transmitted by Governments and the international organizations and other bodies mentioned in paragraph 4 above. Section V deals with the matter of publishing a compendium of national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations.

6. With respect to subparagraph 10 (c) of the Declaration, the present report does not contain an analytical review of existing international legal instruments relating to international terrorism, since such a review was included in the report of the Secretary-General submitted to the General Assembly at its fifty-first session (A/51/336, paras. 6-36). Several suggestions for possible further action contained in that review are being acted upon through the

implementation of Assembly resolution 51/210 of 17 December 1996, as discussed in section III.B below.

II. Measures taken at the national and international levels regarding the prevention and suppression of international terrorism and information on incidents caused by international terrorism

7. The texts in this section describing measures taken by Member States and international organizations have been taken directly from the replies received from the respective Member States and international organizations.

A. Information received from Member States*

8. **Bahamas** provided information on its national laws and regulations regarding the prevention and suppression of acts of international terrorism.[2]

9. **Belarus** supplied information regarding the multilateral anti-terrorism conventions to which it was party.[3] It also indicated that it was completing the domestic procedures necessary for the entry into force of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, and the International Convention for the Suppression of the Financing of Terrorism, as well as completing the domestic procedures necessary for accession to the Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism.

10. At the national level, the legal basis for the efforts of the competent bodies to combat terrorism consisted of:

- Act of 3 January 2002 "On counter-terrorism";
- Act of 26 June 1997 "On measures to combat organized crime and corruption";
- Act of 19 July 2000 "On measures to prevent the legalization of funds obtained by illegal means";
- Act of 13 November 2001 "On weapons";
- Banking Code;
- Criminal Code;
- Code of Criminal Procedure;
- Decree No. 185 of the President of 31 March 1998 enacting the Statute on the coordination of efforts of special sub-units of law enforcement agencies and other State bodies to combat organized crime and corruption;
- Directive No. 272 (by order of the President) of 23 September 1999 on supplementary measures for ensuring public security and preventing extremist and terrorist acts in the territory of Belarus;
- Decision No. 10 of the Board of Directors of the National Bank of 28 January 2002 on the suspension of credit and debit transactions in respect of accounts belonging to terrorists, terrorist organizations and persons associated therewith.

11. The following international treaties formed the legal basis for cooperation among the law enforcement agencies of the States members of the Commonwealth of Independent States:

- Inter-State Programme of Joint Measures to Combat Crime for the Period 2002-2003 (approved by decision of the CIS Council of Heads of State of 25 January 2000);
- Programme of CIS Member States to Combat International Terrorism and Other Forms of Extremism up to the Year 2003 (approved by decision of the CIS Council of Heads of State of 21 June 2000);
- Decision on the establishment of the CIS Anti-Terrorist Centre (Moscow, 21 June 2001);
- Agreement on Cooperation among CIS Member States in the Fight against Crime (signed at Moscow on 25 November 1998);

* Information on the participation of States in multilateral agreements relating to the suppression of international terrorism is presented separately in sect. III.A. Additional information can be found in the reports which States have submitted to the Counter-Terrorism Committee of the Security Council. These reports can be found at www.un.org/Docs/sc/committees/1373.

- Agreement on Cooperation among the Ministries of Internal Affairs of the Commonwealth of Independent States in the Fight against Crime (signed at Almaty on 24 April 1992);
- Agreement on Mutual Relations between the Ministries of Internal Affairs in the Exchange of Information (signed at Cholpon-Ata on 3 August 1992);
- Agreement on Cooperation among Ministries of Internal Affairs in the Fight against Terrorism (signed at Cholpon-Ata on 8 September 2000).

12. Finally, **Belarus** indicated that cooperation between its law enforcement agencies and those of other States in combating terrorism was being implemented on the basis of bilateral treaties signed with Bulgaria, China, Lithuania, Poland, Romania, Turkey, the United Kingdom of Great Britain and Northern Ireland and Viet Nam.

13. **Bosnia and Herzegovina** provided information on the multilateral instruments relating to international terrorism to which it was a party[4] and also indicated that the process for ratifying the following agreements was under way: Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf; Convention on the Marking of Plastic Explosives for the Purpose of Detection; International Convention for the Suppression of Terrorist Bombings; International Convention for the Suppression of the Financing of Terrorism; and European Convention on the Suppression of Terrorism.

14. As regards bilateral agreements in the process of being ratified, mention was made of the Agreement with the Government of Turkey on Cooperation in the Field of International Terrorism, Trafficking in Unlawful Drugs and Psychotropic Substances, and Organized Crime, signed at Ankara on 21 June 2002 and the Agreement with the Government of Italy in the Fight against Organized Crime, signed at Sarajevo on 28 January 2002. The Agreement with the Government of Hungary on Cooperation in the Fight against Terrorism, Drug Trafficking and Organized Crime, signed at Budapest on 21 April 1996, had not been submitted for ratification. And finally, the texts of the draft agreements with the Governments of Croatia and Romania respectively on cooperation in the fight against terrorism, smuggling and abuse of drugs, and organized crime, were in the process of being harmonized.

15. **Brazil**, pursuant to the provisions of its Constitution and the international agreements on the subject, reiterated its total repudiation of terrorist acts in all their forms and manifestations. It continued to maintain that action to combat international terrorism must make use of every means which was compatible with the Charter of the United Nations and other rules of international law.

16. Brazil also indicated that the following instruments had been submitted for congressional approval: Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf; and International Convention for the Suppression of Terrorist Bombings. In addition, the Executive Branch was considering submitting for congressional approval the International Convention for the Suppression of the Financing of Terrorism.

17. In addition, Brazil provided a summary of its national legislation concerning the suppression of terrorism, which included the Federal Constitution of 1988; Supplementary Act 105, of 10 January 2001; Executive Order 2,848, of 7 December 1940 (Criminal Code); Executive Order 3,689, of 3 October 1941 (Code of Criminal Procedure); Act 4,595, of 31 December 1964; Act 6,815, of 18 August 1980 (Aliens Act); and Act 7,170, of 14 December 1983 (National Security Act).[5]

18. Lastly, Brazil stated that, on the basis of the National Public Security Plan, of June 2000, the Brazilian Government had undertaken 15 commitments, which had translated into 124 actions. The Plan established, inter alia, a series of measures for combating drug trafficking, organized crime and arms trafficking, such as control of chemical precursors and narcotic substances, countering money-laundering and campaigns to disarm the population, with the simultaneous destruction, for example, of 100,000 firearms in the state of Rio de Janeiro in June 2001. Such measures were also helpful in countering terrorism.

19. The **Cook Islands** indicated that the following laws were in force: Aviation Offences Act 1973; Civil Aviation Act 1985; Crimes (Internationally Protected Persons and Hostages) Act 1982; Entry, Residence and

Departure Act 1971-72; Crimes Act 1969; United Nations Act 1946; and United Nations Act 2002.

20. **Cuba** emphasized that General Assembly resolution 49/60, entitled "Measures to eliminate international terrorism" had represented a breakthrough which was still influencing international policy, through the adoption of the Declaration on Measures to Eliminate International Terrorism.

21. Subsequently, various United Nations bodies had adopted resolutions on the subject. To those resolutions, a number of binding legal instruments which strengthened the legal framework of anti-terrorism measures had been added, none of which, however, appeared to have the scope and impact which characterized the Declaration, adopted over five years ago.

22. As regards the implementation of that Declaration, Cuba reiterated its condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever committed, including State terrorism. States must refrain from organizing, instigating, assisting or participating in terrorist acts in territories of other States, or from acquiescing in or encouraging activities within their territories directed towards the commission of such acts.

23. Cuba would never allow its territory to be used for terrorist actions against other States. Cuba was opposed to terrorism and war.

24. Cuba maintained that it was for the United Nations, and the United Nations alone, to tackle the grave problem of terrorism in depth and with serenity, resolve and energy. Only the United Nations could confer legitimacy on the global struggle against terrorism.

25. In particular, Cuba attributed particular importance to the full implementation of the Declaration on Measures to Eliminate International Terrorism, which was contained in the annex to resolution 49/60 of 9 December 1994, by which the States Members of the United Nations solemnly reaffirmed "their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize[d] the friendly relations among States and peoples and threaten[ed] the territorial integrity and security of States".

26. Cuba reiterated that the Charter of the United Nations had established that the Members of the Organization should refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

27. Likewise, the Declaration on Measures to Eliminate International Terrorism reaffirmed that States must "refrain from organizing, instigating, facilitating, financing, encouraging or tolerating terrorist activities and [...] take appropriate practical measures to ensure that their respective territories [were] not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens".

28. Cuba believed that it was necessary to prepare a definition of State responsibility in this area to determine the terrorist acts which could be associated with such responsibility.

29. Cuba was in favour of the adoption of a convention with a comprehensive or general legal framework on international terrorism, in keeping with the provision of the Declaration which encouraged States "to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter", such adoption to be under the mandate of the Ad Hoc Committee established pursuant to resolution 51/210, of 17 December 1996, and its annex, the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism.

30. Cuba expressed the hope that a comprehensive legal instrument on international terrorism would fill existing lacunae in previous legal instruments on the prevention and suppression of terrorism adopted by the United Nations. In the judgement of Cuba, a general convention or a comprehensive legal instrument on international terrorism should include the following elements:

- Broad scope covering both individuals and legal persons. The activities of the armed forces of a State that were not regulated by international humanitarian law should not be excluded from the scope of the convention. An exception of such

nature would only serve as a pretext for attempts to justify acts of States aimed at destabilizing another State, interference and aggression;

- A general definition of the criminal offence of terrorism which specifically included the material elements (*actus rea*) and the mental elements (*mens rea*) making up a terrorist act, with a view to avoiding selective and politically motivated interpretations of the commission of a terrorist act. With respect to the elements making up the criminal offence, the structure of the general definition should be based, not on a cumulative approach, but rather on alternatives, and should specify that determining whether an offence had been committed would not depend essentially on the valuation of any material damage which it had caused, or the threshold or scale of the damage;
- The commission of a criminal offence of terrorism by omission;
- The offence of financing among the offences deriving from the principal criminal offence.

31. According to Cuba, the only path possible was to strengthen international cooperation in all its aspects in order to be able to launch effective global actions, in accordance with the Charter of the United Nations, international law and the relevant conventions, on the basis of consensus and the concerted sovereign will of States. The General Assembly should assume the central role in the elimination of terrorism, with the unanimous support of world opinion.

32. To that end, Cuba supported other proposals made or being discussed that were in conformity with the Charter and international law and could further action by the United Nations in countering international terrorism, including those submitted by the Movement of Non-Aligned Countries, such as the convening of a high-level conference on international terrorism under the aegis of the United Nations.

33. Cuba maintained that the inherent right of self-defence could not be invoked to justify acts of terrorism by one State against another. In the confrontation with international terrorism, it could only be exercised as the right of all States to collective defence.

34. Resolution 46/51, adopted by consensus by the General Assembly on 9 December 1991, was entirely valid, especially in its reaffirmation of the legitimacy of the struggle of peoples against alien domination and foreign occupation and in defence of the right to self-determination.

35. Cuba strongly rejected dangerous, counterproductive, politically motivated and illegal acts of a unilateral character, such as the elaboration of lists of countries sponsoring terrorism, baseless accusations by government officials or verification processes in which, on the pretext of countering terrorism, the United States of America was engaging, in violation of the purposes and principles of the Charter of the United Nations, international law and the relevant resolutions of the General Assembly.

36. Those acts were also contrary to the spirit and letter of the Declaration on Measures to Eliminate International Terrorism, including the cooperation procedures it established.

37. Cuba continued to take initiatives in the search for cooperation formulas to prevent and confront international terrorism, with a view to counteracting terrorist acts of the type suffered by other States, including the tragic events of 11 September 2001 in the United States.

38. Cuba reiterated the political will which it had historically demonstrated with respect to any viable proposal that would advance the struggle against terrorism and against the acts instigating terrorism.

39. Cuba also mentioned briefly some of the steps which it had taken during the past year with a view to the prevention and suppression of international terrorism:

(a) The ratification of international legal instruments on the prevention and punishment of international terrorism to which Cuba had not been a party, some of which were in the final stages of constitutional formalities. Thus, Cuba had ratified or acceded to all the relevant international legal instruments that had been adopted within the framework of the United Nations. The decision to do so had been based on the agreement reached in the National Assembly of People's Power on 4 October 2001.

(b) The adoption of the Anti-Terrorism Act at the eighth session of the Fifth Legislature of the National Assembly of People's Power on 20 December 2001. The Anti-Terrorism Act codified and penalized the acts of terrorism defined in the international legal

instruments on various aspects of the prevention and suppression of international terrorism to which Cuba was a party, and set out in the current Criminal Code. It also defined other acts of terrorism, including acts involving the use of computers and computer techniques, acts committed with chemical, biological or other agents and substances, or any other act aimed at causing a state of alarm, fear or terror on the part of the public, placing in imminent danger or affecting the life, health or physical or mental integrity of people or jeopardizing physical property of significant importance, international peace or the security of the Cuban State.

(c) The Counter-Terrorism Committee of the Security Council received on 27 December 2001 the report of Cuba requested pursuant to resolution 1373 (2001) of the Security Council. The report, which was issued as an official document of the Security Council (S/2002/15) on 2 January 2002, described inter alia the national measures adopted by Cuba for the prevention and suppression of terrorism. It provided details of the relevant criminal and other laws, measures and actions adopted by Cuba before and after the adoption of resolution 1373 (2001) and included comprehensive information on the terrorist actions committed against Cuba from 1959 until the present day.

(d) The adoption of legal-administrative measures and actions in the area of prevention and detection for dealing with international terrorism and other associated transnational crimes. Such actions included a set of regulations adopted by the Central Bank of Cuba, of which the most noteworthy were the resolutions and instructions on money-laundering and the establishment of a central repository of information on risk.[6]

(e) The transmission by the Government of Cuba to the Government of the United States on 29 November 2002 of three draft agreements to increase cooperation and establish permanent bilateral cooperation in confronting terrorism and other related crimes:

- Draft programme of bilateral cooperation for combating terrorism,
- Draft agreement on cooperation to combat illicit trafficking in narcotic drugs and psychotropic substances, and
- Draft agreement on questions of migration.

Those proposed agreements were again brought to the fore on 3 December 2001, within the framework of the seventeenth round of migration talks between Cuba and the United States, and on 12 March 2002 through the appropriate diplomatic channel.

Cuba stated that it had displayed its willingness to expand multilateral cooperation in that area and to establish other forms of such cooperation. Cuba had also expressed its readiness to cooperate bilaterally with all States in confronting terrorism on the basis of the principles of sovereign equality and non-interference in internal affairs.

(f) The offer by Cuba of various forms of cooperation and assistance to States in the implementation of Security Council resolution 1373 (2001), in response to Security Council resolution 1377 (2001).

(g) The circulation of documents in the Security Council and the General Assembly, under agenda item 166 entitled "Measures to eliminate international terrorism", on Cuba's position with respect to the prevention and countering of terrorism and the actions taken to achieve that goal.[7]

40. Cuba reiterated that for more than four decades it had been a victim of terrorist actions, which had killed more than 3,478 innocent Cubans, disabled 2,099 Cubans and caused tremendous material damage.

41. Those terrorist acts had been organized, financed and carried out from the territory of the United States with absolute impunity and the condonation and even complicity of United States authorities.

42. On 26 April 2001, Cuban frontier guards had glimpsed a landing dinghy with outboard motor and three crew members on board to the north of the province of Villa Clara. On perceiving the presence of the frontier guards, the crew members had opened fire on the approaching naval craft with shotguns and had received a reply which forced them to flee and try to hide in the place from which they were later captured.

43. Four 7-bore, 62-millimetre AK rifles of Romanian manufacture, one United States M-3 rifle with silencer, three Makarov pistols, abundant ammunition, night goggles, means of communication, together with 3,028 dollars and 970 Cuban pesos, among other things, were confiscated, all of which were for use in carrying out terrorist actions in Cuba.

During the operation the dinghy with its 25-horsepower Mercury outboard motor was destroyed.

44. Cuba stated that the persons detained, all residents of Miami, United States of America, and connected with the Comandos F-4 and Alpha 66 terrorist organizations, had a long history of terrorist actions against Cuba and were closely affiliated with the Cuban American National Foundation. When shown photographs and videos, the detainees recognized as terrorists of Cuban origin who were resident in Miami, Santiago Álvarez Fernández-Magriña, regarding whom Cuba had submitted to Panama, where he had last been seen, an application for provisional arrest with a view to extradition, Nelsy Ignacio Castro Matos and Rubén Darío López Castro, as participants in the direction, organization and financing of the operation.

45. The United States authorities, instead of anticipating, preventing and suppressing the terrorist actions against Cuba, tolerated in its territory the existence, training and activity of known terrorist organizations. Notorious terrorists found a safe refuge and acted freely in that country, bank accounts were maintained there and substantial flows of funds passed through United States banks to finance terrorism against Cuba.

46. On the other hand, the Cuban citizens Gerardo Hernández, Ramón Labañino and Fernando González and the United States citizens René González and Antonio Guerrero had been unfairly sentenced by a federal commercial court in Miami, without due process, to long stretches of imprisonment. The appeal processes under way were being manipulated and delayed. For 17 months the prisoners had been held incommunicado and had been subjected to inhumane, cruel and degrading treatment.

47. Cuba stated that those citizens were completely innocent of the charges. They had merely obtained information about the activity of terrorist organizations with the goal of saving the lives of Cuban and United States citizens.

48. On the basis of a recommendation by the Public Prosecutor, the judge had included the following in the sentence against Mr. René González: "As a further special condition of supervised release the defendant is prohibited from associating with or visiting specific places where individuals or groups such as terrorists, members of organizations advocating violence and organized crime figures are known to be or frequent" (transcription of the hearing for sentencing before Judge Joan A. Leonard, December 2001, pp. 45-46), which is evidence of the United States federal authorities' collusion with respect to the terrorism being conducted against Cuba from Miami, their support and protection of the terrorists, and the complete innocence of the five defendants.

49. Lastly, Cuba reported that the Ministry of Foreign Affairs of Cuba had noted that, despite the international campaign being waged against terrorism, the actions of the terrorist mafia based in Miami were continuing with a view to aborting the judicial proceeding against the terrorists Luís Posada Carriles, Gaspar Jiménez Escobedo, Guillermo Sampoll and Pedro Ramón Rodríguez, who were guilty of countless crimes against the people of Cuba and were currently in prison in Panama for conspiring to kill the President of Cuba, Fidel Castro Ruz, on the occasion of the Tenth Ibero-American Summit, held at the end of 2000 in Panama.[8]

50. Cuba drew attention to the fact that the terrorists had planned to place high-power plastic explosives in the auditorium of the University of Panama, where the President of Cuba was due to speak, an act which would have caused the deaths of hundreds of students and teaching staff of the University, together with those of other persons present.

51. From the moment the terrorists were detained, it had been ascertainable that various agents from terrorist circles based in Miami and Panama had unleashed a campaign, which had included use of the media, movement of substantial funds and even the divulging of conversations held with prominent members of the Panamanian Government, with a view to influencing the judicial proceedings against the four terrorists.

52. In this context, it had been noted that large sums of money were being sent from the United States to finance the defence of the detainees and to try to bribe the judicial officers connected with the trial and that there were frequent visits to Panama by well-known terrorists based in the United States for that purpose, including Santiago Álvarez Fernández-Magriña, mentioned earlier.

53. Cuba also maintained that preparations had been resumed for a possible flight of Posada Carriles and his friends to a Central American country.

54. The following disturbing developments were to be added to the foregoing: the rejection by the Panamanian courts of the cases against the terrorists brought by Panamanian student, trade union and indigenous organizations; the lack of a reply to the Venezuelan request for extradition; and the sudden announcement of a request from El Salvador for the extradition of the terrorist Posada Carriles.

55. The **Dominican Republic** provided information on multilateral conventions relating to international terrorism which it had signed or ratified, and submitted a list of the international instruments which were under study; in addition, it provided a copy of the articles of the Penal Code which it considered most relevant (articles 95, 96, 248, 265 to 267 and 434 to 437).[9]

56. **Guatemala** indicated that the report which it had submitted to the Security Council Counter-Terrorism Committee (S/2001/1272) mentioned inter alia the establishment of an inter-agency commission against terrorism, the promulgation of an act against money-laundering and the creation of a post of Inter-Agency Security Coordinator. The report also stated that there had been no noteworthy cases involving alleged terrorists.

57. **Italy** indicated that since 11 September 2001, it had promptly acted against the terrorist threat. It had duly implemented all the decisions adopted internationally, in particular within the framework of the United Nations and the European Union, adjusting its domestic legislation and carrying out the actions required.

58. The Government of Italy had adopted (under Law 438/2001), urgent measures to prevent and suppress crimes committed for the purposes of international terrorism which had introduced a new crime of conspiracy to commit international terrorism. The law made provisions for preventive wiretapping and intercepting of communications with the permission of the courts, with reference to crimes committed in the pursuit of acts of terrorism; it extended the statutory provisions regarding arrests, attachments, sequestration and undercover operations and the searching of buildings for the purpose of combating terrorism and made it possible to delay in specific cases the issue of arrest warrants. It also allowed the use, for the purpose of combating terrorist crimes, of preventive measures and monitoring of assets designed to combat Mafia crimes and other serious types of crimes.

59. Investigations of the activities of those groups believed to have ties to terrorist organizations were currently taking place in several Italian cities. In Milan, seven Tunisian citizens, members of a cell tied to the "Gruppo Salafita per la Predicazione e il Combattimento", believed to be close to al-Qa'idah, had been sentenced to four- and five-year prison terms for criminal association and for receiving stolen goods, and four other Tunisian citizens were set to stand trial. Furthermore, the Milan courts were also prosecuting 11 people suspected of being affiliated to the Armed Islamic Group (GIA). In Rome, nine Moroccan nationals had been arrested as suspects in a possible terrorist attack against the United States embassy in Rome; four of them had been found in possession of potassium ferrocyanide. Six people were currently under prosecution in Rome on the basis of the newly established article 270 bis of the Penal Code, for having organized and participated in the activities of a cell linked to the GIA and the Front islamique de salut (FIS) with the aim of disrupting the democratic order. In Bologna, a Tunisian suspected of being a significant member of the fundamentalist terrorist extremists network had been arrested, while in Florence an investigation was being conducted on the activities of the Somali integralist group Al Ittihad al Islamiya through a network of call centres and financial units linked to the Somali bank Al Barakaat.

60. At the operational level, preventive measures and enforcement operations had been strengthened and entrusted to the police forces. The programme for the use of the armed forces to guard and undertake the surveillance of sensitive objectives provides for over 4,000 military personnel to be employed for the protection of over 150 military targets and civil infrastructure facilities. Numerous measures had been introduced to deal with the safety of transport, increasing the number of armed guards in aircraft parking areas, adopting more stringent checks on passengers, crew members and personnel, boarding gate controls, and checks on baggage and the post. With regard to bio-terrorism, the Ministry of Health had adopted an action plan in case the general public was placed at risk.

61. As part of the counter-terrorism effort, ad hoc units had been created, such as the Financial Security Committee within the Ministry of Economy for the purpose of combating the illicit financing of terrorism and coordinating the International anti-terrorism effort

within the Ministry of Foreign Affairs. The activities of the existing units, such as the Crisis Unit at the Office of the Prime Minister and the Committee on Security and Public Order chaired by the Minister of Home Affairs, had been strengthened and intensified.

62. With regard to financial measures adopted to combat terrorism, Italy had fulfilled the obligations undertaken within the United Nations concerning the Taliban and al-Qa`idah as well as those applying to the autonomous sanctions mechanism of the European Union. In that context, Italy had promptly and effectively acted by freezing the assets of individuals and groups engaged in terrorist activities. Pursuant to Law 431/2001, a Financial Security Committee had been created, chaired by the Treasury, with a mandate to monitor the operation of the prevention system and take the relevant decisions. The Committee was also vested with special powers to acquire intelligence and information in the possession of government departments and the civil service, even if this should involve waiving the Official Secrecy Act. According to the most recent available figures, administrative measures had been issued under which 88 operations and accounts have been frozen for a total of €345,000. Additionally, €4,073,096.91 and US$ 117,624 had been frozen in the course of investigations, mostly held in current account bank deposits, and in the form of guarantees and letters/lines of credit.

63. Law 415 of 27 November 2001 had incorporated European Community regulation 467/2000 and identified the sanctions and procedural system that should be applied against the Taliban at the national level, in the light of the United Nations Security Council resolutions.

64. With regard to international cooperation, Italy had already ratified 10 of the 12 United Nations Conventions against terrorism. Following the Government's timely lead, the draft bill ratifying the International Convention for the Suppression of Terrorist Bombings (1997), as well as the International Convention for the Suppression of the Financing of Terrorism (1999) was before Parliament, thereby initiating the procedure to complete ratification of all the United Nations treaties against terrorism.

65. Italy was making an active contribution within the European Union (EU) towards the implementation of the action plan against terrorism. The Government had approved the bill ratifying the Convention on Mutual Assistance in Criminal Matters between the EU member States (which also contains provisions to adjust the Code of Criminal Procedure) and was working for the full implementation of the recently adopted mechanisms of EU lists for the freezing of assets of terrorist individuals and groups.

66. Within the Group of Eight (G8), of which it held the presidency in 2001, Italy had provided a major impetus to the drafting of the action plan adopted at the end of 2001. As a tribute to Italy's commitment it was decided to rename the G8 committee of counter-terrorism experts the Rome Group. Finally, Italy's contribution within the North Atlantic Treaty Organization (NATO) was also worthy of mention, in particular through its participation in the naval operation "Active Endeavour" in the eastern Mediterranean.

67. **Liechtenstein** indicated that a detailed account of the counter-terrorism measures it had taken had been submitted to the Counter-Terrorism Committee of the Security Council (S/2001/1253); an additional report to the Committee was also under preparation.

68. In addition, Liechtenstein provided information on the multilateral instruments relating to international terrorism to which it was a party.[10] It also indicated that it had actively participated in the elaboration of the International Convention for the Suppression of Terrorist Bombings and of the International Convention for the Suppression of the Financing of Terrorism. Liechtenstein attached the highest priority to becoming a State party to the two Conventions and would submit them to parliament at the earliest date possible. Liechtenstein had also supported the elaboration of a comprehensive convention against terrorism.

69. Liechtenstein was furthermore a State party to a number of Conventions that were not legal instruments aimed at combating terrorism specifically, but nevertheless made an important contribution to the fight against terrorism, such as the Rome Statute of the International Criminal Court, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Bacteriological (Biological) Weapons and Their Destruction. It was also a signatory to the United Nations Convention against Transnational Organized Crime.

70. The authorities of Liechtenstein cooperated closely with their counterparts worldwide to combat terrorism. Such cooperation was extended on the basis of either international conventions such as the European Convention on Mutual Legal Assistance in Criminal Matters of 1959 or national legislation, in particular the new Law on Mutual Legal Assistance, which had replaced previous legislation on the same subject.

71. Liechtenstein assigned great importance to the implementation of the Special Recommendations on Terrorist Financing developed by the Financial Action Task Force (FATF), as well as the FATF Forty Recommendations on Money Laundering. Liechtenstein had taken a leading role in encouraging the international exchange of best practices in combating money laundering and the financing of terrorism.

72. While Liechtenstein had no specific anti-terrorism legislation per se, its penal code contained a wide range of provisions covering offences committed by terrorists.[11]

73. The economy of Liechtenstein was dominated by the commercial and industrial sectors; the financial sector, however, was also an important component of the Liechtenstein economy, accounting for 28 per cent of the gross domestic product. It was the financial sector that was most affected by the measures taken to eliminate international terrorism, and the Government was therefore giving the highest priority to the implementation of the aspects concerning the financing of terrorism.

74. In that respect, the following legislative measures had been taken: inclusion of money-laundering in the Criminal Code; adoption of the Due Diligence Act (LGBI. 1996 No. 116); and adoption of a new Law on International Mutual Assistance in Criminal Matters of 2000 (LGBI. 2000 No. 215).[12]

75. In the light of the important role of the financial sector, the following authorities are most involved in dealing with international terrorism: Office of the Public Prosecutor; Liechtenstein Police; Financial Intelligence Unit; Due Diligence Unit. Government Decision RA 1/2972-7400 of 31 October 2001 brought these authorities together into a task force (Terrorist Financing Coordination Group) under the guidance of the Financial Intelligence Unit. This coordination is of decisive importance for the implementation of the measures to combat the financing of terrorism.

76. The Due Diligence Act requires fiduciaries and lawyers in Liechtenstein to reveal all beneficial owners and business relationships to the Liechtenstein banks. As the competent oversight authority, the unit verifies the fulfilment of these obligations. Especially with regard to profiles of business relationships, the Liechtenstein law therefore goes beyond the law of other known financial centres. Thanks to these measures, it is possible to determine persons suspected of terrorism more accurately and to examine suspicious transactions.

77. Any legal amendments or additions must be harmonized in detail with possible interdependencies and international obligations, in particular in relationship to Switzerland. The Government is commissioning an analysis of the legal framework and recommendations for improvements in the area of counter-terrorism, taking into consideration the existing international obligations, in particular Security Council resolution 1373 (2001), and the ratified international treaties and conventions.

78. Liechtenstein was of the view that effectively addressing the root causes of terrorism was an indispensable element of international cooperation to eliminate terrorism. In that context, it attached particular importance to the complex relationship between terrorism and human rights. Liechtenstein believed that safeguarding human rights in accordance with existing international law was of the highest importance for both the credibility and the effectiveness of the fight against terrorism.

79. **Lithuania** provided information on the multilateral and bilateral instruments relating to international terrorism to which it was a party,[13] as well as a list of its relevant national laws, parliamentary resolutions and governmental regulations.

80. **Malaysia** provided a list of its national laws and regulations regarding the prevention and suppression of international terrorism.[14]

81. With regard to incidents caused by international terrorism in Malaysia, investigations had been undertaken against persons who were reasonably believed to belong to terrorist groups, one of which is the Kumpulan Militan Malaysia (KMM), whose activities have shown linkages with the al-Qa'idah

network. Pursuant to these investigations, some members of KMM have been arrested and detained.

82. Malaysia had successfully prosecuted members of the domestic terrorist group known as Al-Maunah. In 2000-2001, 29 members of the Al-Maunah group had been charged with and convicted of waging war against the King, an offence under the Penal Code. The following sentences were meted out to the 29 convicted members of Al-Maunah group:

- Three members were sentenced to death.
- Sixteen members were sentenced to life imprisonment.
- Eight members were sentenced to imprisonment for a period of 10 years.
- Two members were sentenced to imprisonment for a period of seven years.

83. Malaysia stated that it was sensitive to incidents caused by international terrorism and was continuously monitoring any form of future development of local militant, religious deviationist and extremist groups and employed firm and decisive preventive action to prevent them from becoming more organized or operating in cohesive and extended networks, whether locally or transnationally.

84. Malaysia reiterated that it had successfully contained incidents caused by international terrorism. As from the end of 2001, no such incidences had been reported.

85. **Monaco** provided information on the multilateral instruments relating to international terrorism to which it was a party.[15] Monaco was also considering becoming a party to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

86. Under articles 14 and 68 of the Constitution of 17 December 1962, as amended on 2 April 2002, any international treaty which did not affect the constitutional order, did not entail the amendment of existing legislative provisions and did not create budgetary obligations in respect of expenditure whose nature or destination was not envisaged in the Budget Act was incorporated into Monegasque domestic law by means of a sovereign ordinance, which made the treaty enforceable in Monaco within the domestic legal system.

87. The Conventions and Protocols relating to terrorism to which the Principality was a party had therefore been made enforceable by means of sovereign ordinances.

88. Monaco reported that no act linked to international terrorism had been perpetrated in the territory of the Principality and the Monegasque courts had not been required to take cognizance of any acts linked to terrorism.

89. Nevertheless, the Monegasque authorities had traditionally cooperated with any State requesting judicial assistance in criminal matters, and with the relevant international organizations (Interpol, Egmont Group), and was providing the greatest possible assistance with regard to exchanging information that was useful for criminal investigations. For example, since the terrorist attacks of 11 September, they had on several occasions complied with requests for information from the United States authorities, for example by replying to a detailed questionnaire from the United States Department of the Treasury and increasing the number of meetings with delegations of American diplomats and officials from the Department of State. The list of persons' names sent by the United States authorities for the purposes of verification had been the subject of detailed and thorough research.

90. While Monegasque internal law included specific provisions on the repression of terrorism, most of the legal texts concerning crimes and offences under ordinary law were applicable in all circumstances, including in cases of acts of terrorism or acts of financing of terrorism.

91. As regards the provisions of ordinary law relating to acts of terrorism, under Monegasque legislation, all acts identified as being "terrorist" in nature also constituted crimes or offences under ordinary law punishable under the Penal Code, regardless of the motive.

92. For example, assassination, murder (articles 220 to 235), deliberate assault (articles 236 to 249), kidnapping (articles 275 to 278), arson and deliberate damage (articles 369 to 389), destruction of public or private buildings by means of an explosion (articles 68 and 374) and the planting of explosives on public thoroughfares (article 375) were punished under the provisions of title II of the Penal Code (crimes and offences against persons, property and animals) by

penalties — up to rigorous imprisonment for life in the most serious cases.

93. Certain laws also provided for punishment of acts that could be classified as terrorist acts. For example, articles L.633-23 et seq. of the Code of the Sea stipulated criminal penalties for the hijacking or destruction of a ship and for piracy.

94. Other provisions of the Penal Code allowed the judicial authorities to prosecute and impose prison sentences on persons involved in acts of terrorism and particularly persons linked to the recruitment of members of terrorist groups[16] or to the provision of weapons to terrorists.[17]

95. Lastly, the Monegasque authorities could refuse to allow persons strongly suspected of involvement in organized crime or terrorism to settle in the territory of Monaco. Article 22 of Ordinance No. 3,153 on conditions governing the entry and stay of aliens in the Principality allowed the authorities to issue administrative orders to remove aliens from the territory of Monaco (expulsion or refoulement). No reason needed be given for expulsion or refoulement orders.

96. Monaco referred to the provisions of the Penal Code allowing the judicial authorities to prosecute and impose prison sentences on persons providing or collecting funds intended for the perpetration of acts of terrorism.

- Article 323 established inter alia that extortion of funds[18] was punishable by prison sentences ranging from one to five years and by fines varying from 18,000 to 90,000 euros;
- Article 330 prohibited fraud which could indirectly lead to the collection of funds intended to be used to perpetrate acts of terrorism, and envisaged the same penalties as for the extortion of funds by means of threats.

97. The judicial authorities were also empowered to order the confiscation of capital that was of illicit origin or was intended to be used to commit offences:

- Pursuant to article 12 of the Penal Code, the judge was empowered to order the confiscation of funds used — or intended to be used — to perpetrate an offence linked to terrorism, or funds that represented the proceeds of such an offence;
- In addition, articles 218-3 and 219 of the Penal Code provided for the confiscation of property and capital of illicit origin: such property or capital must originate from one of the specified offences (including murder, procurement, kidnapping and abduction, extortion of funds and breaches of the legislation on weapons) when committed by a criminal organization;
- All of the crimes and offences enumerated above were liable to the same penalties in cases of complicity, within the meaning of articles 41, 42 and 43 of the Monegasque Penal Code;
- Extradition procedures: Act No. 1,222 of 28 December 1999 relating to extradition provided that extradition might be possible in the case of acts punishable as crimes or offences in the Principality and in the requesting State by imprisonment of at least one year or a more severe penalty. As the penalties for terrorist acts all provided for much higher thresholds, the Principality could, pursuant to that Act, extradite terrorists who were being prosecuted in other States, thereby preventing them from using the territory of Monaco to commit other terrorist acts.

98. Monaco indicated that, in order to increase the effectiveness of the implementation of the conventions and protocols relating to terrorism to which the Principality was a party, an additional legal and regulatory mechanism had been established. Indeed, those treaties increasingly required that the State party should undertake to introduce certain legal, and particularly penal, or technical measures not specified in the text, or should take measures in addition to those envisaged in them.

99. The Principality had therefore issued Sovereign Ordinance No. 15,088 of 30 October 2001 concerning the implementation of the International Convention for the Suppression of Terrorist Bombings, which provided for penalties of rigorous imprisonment for 10 to 20 years for anyone found guilty, in the territory of the Principality, or on board a ship flying the Monegasque flag or an aircraft registered in Monaco, of one or more of the terrorist acts envisaged in the Convention, without prejudice to heavier penalties if those acts constituted other crimes. In particular, where such acts resulted in the death of one or more persons or the destruction of public or private property, the penalty was rigorous imprisonment for life. Complicity in, or

an attempt to commit, a terrorist act, or even mere participation in such an act, was punished by the same penalties, whether such acts took place in Monaco or abroad, if they were committed by a Monegasque national or against Monegasque interests. Lastly, article 8 of Sovereign Ordinance No. 15,088 specified that "For the purposes of extradition or judicial cooperation as envisaged in the Convention [for the Suppression of Terrorist Bombings], none of the offences specified in articles 2, 4 and 5 are regarded as political offences, related to political offences or inspired by political motives".

100. Similarly, two Sovereign Ordinances were adopted in pursuance of the International Convention for the Suppression of the Financing of Terrorism:

(a) Sovereign Ordinance No. 15,320 of 8 April 2002 on the suppression of the financing of terrorism, adopted in implementation of article 2 of the above-mentioned Convention, defined the offences and criminal penalties relating to acts of financing of terrorism. An act of financing of terrorism consisted of an action of providing, collecting or managing funds, by any means, directly or indirectly, with the intention that they should be used or in the knowledge that they were to be used in order to carry out one of the acts defined as a crime in the various individual conventions relating to the suppression of terrorism which were annexed to the International Convention for the Suppression of the Financing of Terrorism (concerning international civil aviation and maritime navigation, nuclear material, terrorist bombings and the taking of hostages), or any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, was to intimidate a population or to coerce a Government.

That instrument provided for penalties of rigorous imprisonment for 5 to 10 years for anyone found guilty of one or more acts of financing of terrorism. Complicity or attempted crime were punishable by the same penalties. Monegasque legal entities (with the exception of the State, the commune and public establishments) were criminally liable for acts of financing of terrorism and, in the event that their criminal liability was established, were punishable by fines of from 18,000 to 90,000 euros. Furthermore, their administrative authorization to operate in the Principality could be withdrawn from them

ministerial decree.

(b) Sovereign Ordinance No. 15,231 of 8 A
2002, concerning the procedures for the freezin
funds for the purposes of combating terrorism, ad
in implementation of article 8 of the Internat
Convention for the Suppression of the Financin
Terrorism and Security Council resolution 1373 (20
established the modalities for the applicatio
procedures for the freezing of funds. The text incl
in particular:

- A definition of the concept of freezing, w
consisted of preventing any move
modification, use or manipulation of such fu
- The obligation for credit bodies, fina
institutions, insurance enterprises and any
entity or person to freeze funds belongin
physical or legal persons, entities or bodies
by ministerial decree or held by them;
- The establishment of additional prohibitions,
as making frozen funds available to the pe
listed in the ministerial decree, providing ser
to such persons, and carrying out or particip
in operations to bypass freezing procedures;
- Criminal penalties applicable in the cas
failure to comply with the above-menti
obligations (from 18,000 to 90,000 euros).

The Ministerial Decree (No. 2002-222 of 9 A
2002) for the implementation of that Sover
Ordinance identified the physical or legal per
entities or bodies whose funds must be frozen. Th
included the persons and entities appearing on the
drawn up by the Security Council Comm
established pursuant to resolution 1267 (1999
implementation of resolutions 1267 (1999) and
(2000), an updated version of which had been issue
15 March 2002, and the lists produced under
regulations of the Council of the European U
Future lists drawn up by ministerial decree woul
amended or supplemented on the basis of deci
taken by those international bodies.

101. A third series of measures was aime
broadening the mandate of the Financial Net
Information Service (SICCFIN) to cover
suppression of terrorist financing; this suggested
following legislative and regulatory changes:

- A bill amending Act No. 1,162 of 7 July 1993 on the participation of financial institutions in combating money-laundering had therefore been introduced on 26 April 2002 before the National Council (parliament) in order to establish an obligation to report suspicious transactions linked to terrorism and extend the activities of SICCFIN to that area;

- Sovereign Ordinance No. 11,246 of 12 April 1994 establishing SICCFIN had been supplemented: it defined the monitoring duties of that Service in the light of the amendments to the above-mentioned law and specified the conditions for exchanges of information with foreign supervisory authorities;

- In addition, it was planned to amend article 218-3 of the Penal Code in order to add to the list of money-laundering predicate offences linked to terrorism and its financing. The amendment would take into account the special recommendations of the Financial Action Task Force on Money Laundering (FATF) (meeting held in Washington on 29 and 30 October 2001), in particular concerning the designation of offences linked to terrorism as money-laundering predicate offences.

102. All those provisions would bring Monegasque law into line with the above-mentioned special recommendations of FATF and with the resolutions adopted at the extraordinary meeting of the Egmont Group, held on 31 October 2001 in Washington, which had committed each Financial Intelligence Unit:

- To conduct a review of national legislation to ensure that there was no obstacle to the exchange of information, in particular concerning the financing of terrorist activities;

- To do their utmost to ensure that the financing of terrorism was designated a money-laundering predicate offence and that the obligation to report suspicious transactions was broadened to include the financing of terrorism.

103. **Norway** indicated that it had presented a legislative package to Parliament containing a broad range of initiatives aimed at combating terrorism and the financing of terrorism. The legislative amendments contained in the bill were in compliance with international standards and requirements as laid down in the International Convention for the Suppression of the Financing of Terrorism and Security Council resolution 1373 (2001). Those amendments, once adopted, would replace the regulations laid down in a Provisional Ordinance of 5 October 2001.

104. In addition, Norway recalled the report it had submitted to the Counter-Terrorism Committee of the Security Council (S/2001/1138).

105. **Pakistan** supplied information regarding the multilateral anti-terrorism conventions to which it was a party[19] and indicated that an inter-ministerial committee was examining the Convention on the Marking of Plastic Explosives for the purpose of Detection, the International Convention for the Suppression of Terrorist Bombings, the International Convention for the Suppression of the Financing of Terrorism and the Convention of the Organization of the Islamic Conference on Combating International Terrorism.

106. Pakistan recalled that is was a member of the international coalition against terrorism, that it implemented scrupulously all the anti-terrorism measures taken by the United Nations and also cooperated closely with other countries in combating terrorism at the bilateral level, as well as under the auspices of regional and international forums such as the South Asian Association for Regional Cooperation (SAARC), the Movement of Non-Aligned Countries and the Organization of the Islamic Conference.

107. As Pakistan had itself been a major victim of terrorism, combating terrorism in all its forms and manifestations had been one of the major policy objectives of the Government, whose fight against terrorism had preceded the 11 September terrorist attacks in the United States.

108. The details of the administrative and legislative measures taken by Pakistan to combat terrorism were contained in its reports to the Counter-Terrorism committee under Security Council resolution 1373 (2001)[20] and the United Nations Monitoring Group under resolution 1390 (2002).

109. The measures Pakistan had taken prior to 11 September 2001 included:

- Promulgation of a comprehensive Anti-Terrorism Act and establishment of anti-terrorism courts for speedy trial of terrorist cases

- Signing of extradition treaties with 27 countries to track down and nab terrorists and other criminals
- Information-sharing with other countries and Interpol to combat terrorism
- The banning of two sectarian organizations involved in sectarian violence, namely Lashkar-e-Jhangvi and Sipah-e-Muhammad, and the placing of two politico-religious parties, Sipahi-Sahaba and Tehrik-e-Jafria Pakistan, on a watch list
- Launching of a vigorous de-weaponization campaign in June 2001 to collect all illegal weapons throughout the country. (So far over 100 thousand weapons of various categories have been recovered.)
- Reform of the *deeni madaris* (religious seminaries/educational institutions). In August 2001, an ordinance was enacted to regulate *deeni madaris* and bring them into the mainstream educational system of the country
- Reform of law enforcement agencies. A comprehensive programme of police reforms in a phased time frame was initiated
- Crisis management centres. Crisis management centres were established at local and provincial levels for an integrated response. A web site on the most wanted terrorists was created to identify fugitive terrorists.

110. The measures Pakistan had taken following 11 September 2001 included:

- Cooperation with coalition forces. Pakistan was extending all-out assistance and cooperation to the coalition forces fighting terrorism
- The placing of the national security agencies on high alert to combat terrorism
- Increased security and patrolling along the Pakistan-Afghanistan border
- Arrest of a large number of terrorist suspects attempting to enter Pakistan from Afghanistan, especially in the Tora Bora region
- Increased security at airports, including more rigorous checking of personnel and cargo
- Tighter visa policy to check the infiltration of terrorists
- Detention of the leaders of the extremist organizations. The top leadership of Lashkar-e-Tayyaba and Jaish-e-Mohammad was detained, along with the placing under arrest of a large number of their activists
- Freezing of assets and accounts of individuals and entities involved in terrorism in pursuance of Security Council resolutions 1267 (1999), 1333 (2000), 1373 (2001) and 1390 (2002)
- Setting up of a special working group on money-laundering
- Increased cooperation and coordination with the international community in anti-terrorism activities
- Setting up of a focal point in the Ministry of Foreign Affairs to coordinate efforts for implementation of the United Nations anti-terrorism Conventions and resolutions.

111. Pakistan also recalled that in a landmark and historic address to the nation on 12 January 2002, the President had announced wide-ranging reforms to root out intolerance and militancy from society. The major steps included:

(a) Ban on extremist/militant groups. Five additional extremist/militant organizations, viz. Jaish-e-Mohammad, Lashkar-e-Tayyaba, Sipah-e-Sahaba Pakistan, Tehreak-e-Jafria Pakistan, and Tehrik-e-Nifaz-e-Shariat-e-Mohammadi, were banned. The Sunni Tehrik was placed on a watch list;

(b) Curbing violence from society. Anyone found inciting people to commit violence either internally or externally would face strict punitive action;

(c) Control of *deeni madaris* (religious schools/seminaries):

(i) Functioning of the *deeni madaris* would be controlled through a comprehensive ordnance to be promulgated;

(ii) No new religious school could be opened without the permission of the Government;

(iii) All existing *madaris* to be registered;

(iv) *Madaris* to review their syllabi by end 2002;

(v) *Madaris* found indulging in extremism, subversion, militancy or possessing weapons would be closed;

(vi) Strict control over foreign students in the *madaris*. Only those holding proper documents from their respective Governments would be allowed to study in the Pakistani Madaris, with the permission of the Government of Pakistan;

(d) Control over mosques. The strict regulations imposed by the Government included:

- No new mosque could be established without the permission of the Government
- Political activity using the forum of mosques was not allowed
- Use of loudspeakers in mosques would be restricted to call for prayers and Friday sermon only;

(e) Police/judiciary reforms. Comprehensive police reforms were under way. Rangers and civil armed forces would support the police in implementing the measures introduced by the Government. Anti-terrorist courts were being further strengthened.

112. A nationwide crackdown against the banned/extremist organizations had been carried out in implementation of the measures announced by the President in his address of 12 January 2002. Large numbers of the activists of the extremist organizations/groups had been apprehended and hundreds of their offices had been sealed throughout the country.

113. Pakistan stated that for decades it had been a victim of terrorism sponsored by a neighbouring country. The acts of terrorism and sabotage inside Pakistan were sponsored by the neighbouring country to destabilize Pakistan. The involvement of the neighbouring country in the terrorist activities inside Pakistan had been established through confessions by the large number of foreign-sponsored terrorists arrested as well as the explosives and equipment recovered by the law enforcement agencies on a regular basis. In total disregard of international law and the norms of responsible international behaviour, the said neighbouring country had been involved in training, financing, arming and infiltrating terrorists and saboteurs into Pakistan to carry out nefarious acts of terrorism and sabotage. Some of the saboteurs were trained by the neighbouring country in camps adjoining Pakistan. It had also provided sanctuary to terrorists and outlaws from Pakistan.

114. There had been a heavy loss of precious lives of innocent civilians and large-scale damage to property as a result of the acts of terrorism and sabotage sponsored by the neighbouring country. The targets of terrorist attacks in Pakistan had mostly been public places, bus stops, railway stations/tracks and sensitive installations.[21]

115. **Palau** reported that, in 2001, it had enacted the following legislation: Money Laundering Act, Mutual Assistance Act, Transnational Extradition Act, Foreign Evidence Act and Financial Institutions Act. In part, those laws regulated and supervised banks and financial institutions and criminalized money-laundering. The Money Laundering Act of 2001 provided for freezing and forfeiture of the proceeds of a crime and a Financial Intelligence Unit had been established to detect money-laundering and other financial crimes. Palau had notified local banks and other financial institutions of the names of suspected terrorist individuals and organizations and had asked that any assets or accounts found belonging to such be immediately reported to government authorities and seized. No such assets had been reported as found within Palau or its banks and financial institutions.

116. Palau had signed a number of international treaties and United Nations Conventions concerning anti-terrorism. The President was shortly to introduce comprehensive anti-terrorism legislation at the Palau National Congress. The legislation, which had been drafted with the assistance of the Pacific Islands Forum, would implement the United Nations treaties to which Palau was party. Additionally, the President had created a Task Force on Anti-Terrorism and Homeland Security which was reviewing efforts to detect and prevent terrorism in Palau. The divisions of Customs and Immigration were on heightened alert to detect suspicious incidents. Palau had been cooperative with other jurisdictions, most notably the United States, in responding to international efforts to combat terrorism. There had been no terrorist acts in Palau, and no prosecutions related to terrorist activity.

117. **Panama** provided information on the multilateral instruments relating to international terrorism to which it was a party[22] and indicated that it had taken the necessary steps to ratify the Convention for the

Suppression of Unlawful Acts against the Safety of Maritime Navigation, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf and the International Convention for the Suppression of the Financing of Terrorism.

118. Panama also indicated that it would participate in any effort made by the United Nations to draft and urgently adopt an International Convention on Terrorism which standardized concepts, included norms regulating types of police and judicial investigation and cooperation; removed all impediments to investigation in countries or enclaves lacking fiscal transparency and included the obligation to disclose accounts, property and the owners thereof.

119. As regards national legislation, Panama indicated that:

(a) Article 389 of Act No. 41 provided as follows: "Anyone who receives, deposits, trades in, converts or transfers money, securities, property or other financial resources, in the full knowledge that they are derived from activities related to drug trafficking, fraud, illicit arms trafficking, trafficking in persons, kidnapping, extortion, embezzlement, corruption of public servants, terrorist acts, theft or international trafficking in vehicles, as provided for under Panamanian criminal law, with the aim of hiding or concealing their illicit origin or assisting in evading the legal consequences of such punishable acts shall be sentenced to 5 to 12 years' imprisonment and a fine of 100 to 200 days";

(b) Article 1, paragraph 3, of Act No. 42 established that "irrespective of its amount, any transaction, which may be specifically linked to the laundering of money derived from illicit activities, as provided for by law, shall be subject to special scrutiny";

(c) The Republic of Panama had no legislation as such which established procedures for the freezing of funds and/or assets used for the financing of terrorism. However, that was remedied by ratification of the International Convention for the Suppression of the Financing of Terrorism;

(d) Executive Decree No. 1 of 3 January 2001 provided for the dissemination of information to monitoring and oversight bodies, in accordance with article 12 of the International Convention for the Suppression of the Financing of Terrorism;

(e) Section III, entitled "Offences against the international community", of the Penal Code established by Act No. 18 of 22 September 1982, contained the following penalties for terrorist activities and the supply of weapons to terrorists:

Article 311:

"Anyone who participates in the destruction, in whole or in part, of a specific group of human beings, on grounds of their nationality, race or religious or political beliefs, shall be subject to 15 to 20 years' imprisonment.

The same penalty shall apply to anyone who, in order to destroy, in whole or in part, a specific group of persons and for the reasons described in the previous paragraph, commits any of the following acts:

1. Causes bodily or mental harm to members of those groups;

2. Places such groups at risk; ..."

Article 312:

"Anyone who recruits persons, stockpiles weapons or carries out other hostile acts not approved by the Government and undertaken within the territory of the Republic or abroad against another State, thereby exposing Panama to the risk of war or the breaking-off of international relations, shall be subject to three to six years' imprisonment.

If, as a consequence of the above-mentioned acts, war is declared on the Republic, the penalty shall be 10 to 15 years' imprisonment."

A preliminary bill adding to Title VII of the Penal Code a new section, under collective security offences, entitled "Offences of Terrorism and Possession, Trafficking and Stockpiling of Arms, Ammunition or Explosives" was also pending approval by the Legislative Assembly.

120. Panama also indicated that it was chairing the Committee on Hemispheric Security of the Organization of American States (OAS), through which an effective mechanism for the exchange of information had been established. Through that Committee, various resolutions condemning terrorist

acts had been coordinated with the other member States. They included the "Declaration of Solidarity from the House of the Americas" (RC.2/DEC.1/01), "Strengthening hemispheric cooperation to prevent, combat and eliminate terrorism" (RC.23/RES.1/01) and "Terrorist threat to the Americas" (RC.24/RES.1/01).

121. In addition, the Mission of Panama to OAS had resumed initiatives for the preparation of updated legal instruments that would make it possible to prevent and suppress terrorist activities effectively. To that end, the office of the Chairman of the OAS Committee on Hemispheric Security and the Conference on Hemispheric Security had proposed to establish a new framework for hemispheric security that was consistent with the realities of the modern world and therefore based, ideally, on the model of human security. The suggested framework for hemispheric security sought to be broad and flexible in recognizing the existence of new, unconventional threats which needed to be addressed.

122. **Qatar** supplied information regarding the multilateral anti-terrorism conventions to which it was a party.[23] Qatar also indicated that it was considering acceding to a number of the other international conventions relating to international terrorism, including the International Convention for the Suppression of the Financing of Terrorism. The process for ratifying the Arab Convention on the Suppression of Terrorism was under way. Furthermore, it was noted that Qatar had signed a Memorandum of Understanding on security cooperation with France that addressed all criminal activities of common concern, including the suppression of terrorist crimes. A number of draft memoranda of understanding with other countries on security cooperation in the counter-terrorism field were also being considered.

123. As regards the measures taken at the national level, Qatar stated that:

(a) Articles 2 to 4, 6, 8, 9, 12, 20, 26, 27, 30, 32, 34, 35, 38 to 42, 44, 47, 49 and 51 of Law No. 14/1999, concerning arms, ammunition and explosives, were concerned with offences regarded as acts of terrorism. They provided for a series of severe penalties, including a mandatory death penalty, and thus prevented terrorists from being supplied with weapons;

(b) The legislature had addressed the phenomenon in chapter III, "Terrorist crimes", articles 138 to 170, of a draft penal code to be promulgated shortly;

(c) Articles 1, 4, 10, 19, 21, 23 and 28 of Law No. 3/1963, regulating the admission of aliens to Qatar and their residence in the country, set forth rules and procedures preventing the provision of safe haven to terrorists. Article 21 of the Law provided that:

> "With the approval of the Ruler, the Minister of the Interior may order the deportation of any alien whose presence can be demonstrated to pose a threat to the internal or external security and safety of the State or to its economy, or to public health or public morals, or who is a charge on the State. An order for the deportation of an alien may also apply to alien members of his household whose support is at his charge."

Article 23 of the Law affirmed that an alien who was deported was entitled to return to the country only under the terms of another decision and provided that:

> "An alien in respect of whom a deportation order has been issued may return to the territory of Qatar only by decision of the Minister of the Interior."

124. The **Republic of Moldova** provided a copy of its national laws on the prevention and suppression of terrorism.[24]

125. **Slovenia** provided information on the multilateral instruments relating to international terrorism to which it was a party[25] and also referred to a series of bilateral anti-terrorism agreements signed with Albania, Austria, Bulgaria, the Czech Republic, Croatia, Hungary, Poland, Romania, Slovakia, the former Yugoslav Republic of Macedonia and Yugoslavia.

126. As regards its national legislation, Slovenia referred to the relevant provisions of its Penal Code:[26]

> "*Terrorism*
>
> "*Article 355*
>
> "Whoever, with the intention of jeopardizing the constitutional order or security of the Republic of Slovenia, causes an explosion or fire, or commits any other act of violence endangering public safety, or threatens the use of nuclear materials or means of mass slaughter, thereby arousing fright and uncertainty among

people, shall be punished to imprisonment for not less than three years."

"*International terrorism*

"*Article 388*

"1. Whoever, with the intent of inflicting damage on a foreign country or an international organization, kidnaps a person or commits some other act of violence, or causes an explosion or a fire, or endangers human life or property of substantial value by acts or means capable of causing danger to the public, shall be sentenced to imprisonment for not less than one and not more than ten years.

"2. Whoever, with the intention of compelling a legal person, international organization or State to perform or omit to perform a certain act, threatens to endanger or harm human life or property of substantial value by the use of nuclear force or other means of mass extermination shall be sentenced to imprisonment of not less than one year.

"3. If the criminal offence under the first and the second paragraphs of the present article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than five years.

"4. If the perpetrator, in the committing of a criminal offence under the first or second paragraphs of the present article, deliberately takes the lives of one or more persons, he shall be sentenced to imprisonment for not less than ten years or to thirty years."

127. In addition to the above-mentioned criminal offences, the Penal Code also contained the incrimination of other criminal offences defined in international documents in the field of terrorism such as article 144, which defines the crime of kidnapping; article 330 on hijacking; article 353 on violence against the highest representatives of the State; article 389 on endangering persons under international protection; and article 390 on the taking of hostages.

128. Furthermore, Slovenia stated that funds intended for the financing of terrorism could be seized on the basis of currently applicable legislation if those funds derived from criminal offences. Should the funds intended for the financing of terrorist acts have been derived from legal sources, certain conditions had to be present, one of which was a suspicion that the legally acquired funds would be used for the financing of a group for the purposes of perpetrating a criminal offence. Pursuant to article 297 of the Penal Code, the punishment of over five years' imprisonment might be applied to the act of establishing a group for the purposes of perpetrating a criminal offence. Two criminal offences were enumerated in the Penal Code specifically mentioning terrorism — terrorism, under article 355, and international terrorism, under article 388 — for which the perpetrator shall be sentenced to imprisonment of over five years. Also pursuant to these provisions, the funds of perpetrators associated with the aim of carrying out criminal offences linked to terrorism would be seized.

129. Slovenia indicated that it expected to ratify the International Convention for the Suppression of the Financing of Terrorism in the first half of 2002, but that prior to ratification the Penal Code would have to be amended so that the financing of terrorism alone would be defined as a criminal act.

130. Slovenia had adopted its first Prevention of Money Laundering Act in 1995 and had ratified the Convention of the Council of Europe on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime in 1997. All legislation was currently in compliance with the 40 Recommendations of the Financial Action Task Force (FATF) and the EU Council Directive on prevention of the use of the financial system for the purpose of money-laundering. On 25 October 2001, a new Money Laundering Act had entered into force which was in full compliance with all international standards and represented a further enhancement of the efforts to combat money-laundering in Slovenia.

131. **Spain** supplied information regarding the multilateral anti-terrorism conventions to which it was a party.[27]

132. It was noted that under the Spanish Criminal Law, pursuant to Act of Parliament 10/1995, terrorism was not envisaged as a crime in itself. However, the act of conspiracy, covering the activities of both armed organizations and terrorist groups, was punishable under the Act.[28] On the other hand, the Title dealing with crimes against public order contained a section covering crimes of terrorism,[29] whose articles described a series of common law offences[30] involving

the crimes of terrorism where the perpetrators "belong, act in the service of or cooperate with armed organizations, with organizations or groups aimed at subverting the constitutional order or causing a serious breach of the peace".

133. The Spanish Tribunal Constitutional (Constitutional Court) had stated that one of the characteristics of the terrorist activity was the aim to create (or the creation itself) a situation of alarm or social unrest, as a result of the systematic, repeated and frequently indiscriminate nature of that crime.

134. Thus, the concept of terrorism could be described as social or political violence aimed at destroying the constitutional democratic order or at seriously causing a breach of the peace. Such a notion included other elements, such as the means employed (physical violence, namely, destruction and explosives), the result produced (an atmosphere of collective terror) and the ultimate political or social aim of the perpetrators (reflected either in the nature of the victims chosen, the perpetrators' indifference towards their fate or in the international repercussions of their acts).

135. Terrorism had been defined by the Spanish Tribunal Supremo (Supreme Court) as:

> "a planned activity that, either individually or under the cover of an organization, is aimed at totally or partially subverting, either repeatedly or on an isolated basis, the political order in force; this goal is achieved through the use of means or through actions aimed at causing serious insecurity, social fear or a breach of the peace".

136. Therefore, it was felt that terrorism might be defined as a criminal activity aimed at creating a situation of social insecurity and at challenging the essence of a democratic State. With regard to the teleological aspect, that is to say, the purpose of the phenomenon, Spanish case law had stated:

> "The teleological element entails the purpose of creating a situation of alarm or social unrest, as a result of the repeated, systematic, and very frequently indiscriminate nature of this criminal activity."

137. On the other hand, the concept of "terrorism" was seen to be linked to a plurality of subjectivities, with an unquestionable element of association. In that sense, a certain degree of organization, stability and sufficient integration, as well as being armed, would be necessary to spread terror among society.

138. Such an organization would entail some sort of link — even if occasional — among its members. In any case, it would centre on a plan that had been arranged and managed beforehand, sometimes by individuals who were not necessarily involved in the criminal activities. Those elements — an arranged management, the magnitude of the operation and a certain degree of planning to neutralize the action of the State — were seen as necessary to the concept of "organization".

139. Such an organization basically required a certain level of centralization in the decision-taking process and executive hierarchies in order to hinder as much as possible the prosecution of the crime and to increase its potential damage.

140. Spanish case law had clearly defined the concept of "organization", as follows:

> "... it requires action through a specific structure characterized by the existence of some sort of group or hierarchical arrangement of functions that will enable the distribution of tasks to be developed through the share out of roles; this facilitates the prediction of changes, replacements or rotation among all the members of the group".

141. Despite the above-mentioned definition, "organization" was felt to be primarily a term in criminology. In most cases, the terrorist would integrate into an armed group. The "organization" aspect was very important in aiding the development of the terrorist activity, but it was not identical with it. Therefore, the organizational factor was not to be considered as inherently defining the concept of terrorism, since a single individual could create a situation of terror.

142. Under Spanish law, a determination of the existence of the crime of belonging to an armed organization or terrorist group required the following elements:

- Existence of an armed organization involving an association of several people linked in some manner, with a certain continuity and relationships of hierarchy and subordination within the organization;

- Armed nature of the organization, and its repeated and systematic performance of violent attacks against individuals and objects, using weapons;
- The aim of the organization being to create alarm and a situation of emergency endangering public safety, as well as to disturb the democratic and constitutional order;
- Submission to the orders of the leaders of the organization; performance of the actions they might order.

143. The following examples were given of individuals convicted by the Spanish courts for belonging to an armed organization or terrorist group: an individual responsible for receiving and issuing explanatory pamphlets of the terrorist organization; an individual caught in possession of books dealing with explosives handling; an individual responsible for digging, in a neglected area, well-camouflaged holes to hide material to be used for criminal activities (the person had also been caught in possession of documents containing a sketch and explanations jotted on a magazine, topographic maps of the area, as well as data on targeted policemen); an individual caught in possession of a typewriter containing the address and other information on a targeted businessman. That individual had also been convicted for sending a threatening letter demanding money for the terrorist organization and for providing the keys of a flat, giving out its phone number and receiving half of a playing card as a signal to the people of the organization of the place where they would be offered shelter.

144. It was not considered easy in practice to separate the crime of belonging to an armed organization or terrorist group from the crime of cooperation with an armed organization or terrorist group, since it was possible to contribute to the aims of a terrorist group not only by belonging to the organization itself, but also from a distance, without being involved as a member. In the latter case, performance consisted of acts that were not necessarily crimes, but which favoured or facilitated the acts of the group, for example, hiding people in private homes; tracking and investigating individuals, vehicles or premises; transport or facilitating transport; courier tasks or communications, etc.

145. The acts of cooperation listed in the Spanish Criminal Law[31] related to specific cases involving conviction by a court could be grouped as follows:

- Acts supporting the political apparatus of the terrorist organization. This heading included acts of dissemination of the armed organization's goals and material acts aimed at the physical concealment of activists and of their movements. The first group included all those people who, despite not belonging to the criminal organization, cooperated in the dissemination of the organization's ideas, publications and tasks, as well as any action aimed at the recruitment of sympathizers, through propaganda. The second group would encompass those who provided shelter, either in their own home or facilitating it through third parties, as well as those who participated in activities involving the transportation of activists, either personally or by providing the keys of the vehicles.
- Acts supporting the logistic apparatus of the terrorist organization, which would include both the organization itself and attendance at training practice, the supply of material for the purposes of the armed organization, as well as the provision of aid for the members of the organization.
- Acts supporting the military apparatus of the terrorist organization, which would include surveillance and information-gathering on persons, goods or facilities; the construction, cession or use of places for the storage of ammunition, weapons, devices or instruments. This heading included operations aimed at providing aid by preparing village prisons, caches, arms depots and concealing people and materials in general.

146. Mention was to be made of acts of cooperation with the economic and financial apparatus of the terrorist organization. The more structured was the organization, the more it would need to obtain economic resources, not only to deploy its criminal activity, providing a cover to the military apparatus (active cells, reserve groups, liaisons, materials, etc.) but also to maintain the political apparatus (political office, national and international propaganda, prisoners, relatives, etc.). Such a need could be fulfilled by the traditional method of robbing banks, or through some other criminal activities such as the "revolutionary tax", the ransom demand for a kidnapped person or drug trafficking; the current

preference was for the staking or establishment and exploitation of legal commercial companies.

147. As regards the revision of the Criminal Law and of the Act on juvenile criminal liability in relation to terrorist offences, Spain referred to Act of Parliament No. 7/2000, which sought to give an effective response through the legal system to the evolution of terrorist behaviour aimed at circumventing the rules and avoiding infractions by taking advantage of the loopholes and complexity of interpretation of the law.

148. Particular mention was made of the revision of article 577, dealing with so-called "urban terrorism". Acts of urban terrorism were only considered as such if a person's life or integrity were put at risk. There was no possibility of convicting either those who took part in such acts by carrying the explosives or arms that caused the fire or damage, or those who carried the parts needed to cause the explosion. The new wording of this article, which took into account that those actions were intended not only to cause individual or collective material damage, but also to terrorize the population or group in order to advance the terrorist objective, incorporated the offence of damage to those already listed under that provision and resolved the doubts of interpretation with regard to the possession of explosives used to commit terrorist acts.

149. In addition, the new article 578 of the Criminal Law had introduced a new criminal element of the exaltation of terrorism, aimed at penalizing those who extolled or justified terrorist offences through any means of public expression or dissemination or those who took part in their commission, or the performance of actions that entailed discrediting, heaping contempt upon or humiliating the victims of terrorist offences or their relatives.

150. These recent revisions also aimed at granting greater legal protection for the members of the local authorities, who were lawfully elected, and for the full assemblies they held in the exercise of their duties. For that reason, a new article 505 had been incorporated in the Criminal Law to penalize serious disturbances during plenary sessions of those authorities and section 2 of article 551 had been revised to define attacks against them in terms similar to those applying to the protection granted by the Criminal Law to the members of other institutions.

151. With the same objective, that of reinforcing democratic and representative institutions and adjusting the penalties to the nature of the offences committed, it had been considered necessary to limit the possibilities of those who had been convicted of terrorism gaining immediate access to representative public services.[32]

152. The revision of Act of Parliament 5/2000 on juvenile criminal liability was aimed at establishing special requirements for the prosecution of juvenile terrorist offenders. Prosecution would proceed according to the nature and significance of the cases and with a view to the optimum implementation of rehabilitation measures. Different treatment would be accorded to those juveniles under 16 and to those between 16 and 18 years of age.

153. In relation to preparatory acts and terrorism, Spain noted that the prevention of conduct that would be seriously damaging to society sometimes made it necessary to create and foster criminal figures and to sanction certain behaviours which, in and of themselves, would lead to far less damage or danger to society, or far lesser legal infractions, than the terrorist acts they were designed to thwart.

154. In the field of terrorist delinquency, the aim of the revision was to reinforce the defence sphere through the clarification of punishable offences, with the guiding principle of expanding and extending the barriers protecting society. A reflection of the application of this principle was the new article 579 of the Spanish Criminal Law, providing for the punishment of earlier stages of the terrorist activity, or as stated in the case law:

> "... the need to defend such important legal rights as life, personal security and social peace, opposed to the irrationality of the terrorist activity or any kind of violent act under a democratic State, whose sources of free expression by definition may not be blocked — although such activities were only in their preparatory or support stage, because the prevalence of those personal and community rights makes it necessary to extend the criminal protection barrier".

155. Article 579 stated that the provocation, conspiracy and proposition[33] to commit a terrorist offence would be punished with a penalty lower by one or two degrees than the one corresponding to the specific offence committed.

156. As regards specific provisions covering procedures for dealing with terrorist offences, Spain indicated that the Act on Criminal Prosecution contained some provisions dealing with the conduct of inquiries regarding terrorist offences as well as with the personal situation of the alleged participants, where the objective was, on the one hand, to facilitate the inquiry in urgent cases and, on the other, to prevent collusion and the suppression of evidence.

157. With regard to the enquiry proceedings and in relation to the interception of mail and telegraphic correspondence, article 579.4 of the Act on Criminal Prosecution envisaged that, in urgent cases, the Minister of Interior or the Director General of State Security might order the interception of the mail, telegraph or other communications, immediately communicating the order to the competent magistrate in writing, stating the reasons for the order and, particularly, justifying its urgency. The magistrate, once he had received the document, would either reverse or confirm the interception order, within a maximum period of 72 hours following its issuance.

158. With respect to the personal situation of the alleged participants in terrorist offences, article 520 bis of the Act on Criminal Prosecution provided that, for the purposes of the enquiry, the term of arrest, under which the detainee must be brought before a magistrate within 72 hours, could be extended an additional 48 hours. The request for extension must be presented to the competent magistrate in writing within the first 48 hours of arrest. The magistrate's authorization, stating the reasons for the decision, should be produced within the next 24 hours.

159. Article 520 bis also contained a provision for a request that the detainee be held incommunicado. An application therefor was required to be submitted to the judge, who once again must respond within 24 hours with an acceptance or rejection of the application, giving reasons. In the interim the detainee was held incommunicado. If the judge approved the application, the detainee could be held incommunicado until the maximum detention period was completed.

160. Incommunicado detention was regulated under article 527 of the Criminal Procedures Act. The detainee did not lose his/her rights, except for the fact that the detention was not to be communicated to a relative or other person. Also, the detainee was not allowed to choose a lawyer, and a duty solicitor was assigned to him/her. Finally, the detainee could not hold confidential conversations with his/her lawyer.

161. As regards other regulations related to terrorist organizations, Spain provided a summary of the following legislation: Prevention of Money Laundering Act (19/28.12.1993); Suppression of Smuggling Act (12/12.12.1995); and Air Navigation Criminal and Criminal Procedures Act (209/24.12.1964), modified by Act of Parliament (1/08.01.1986).[34]

162. **Sweden** indicated that no acts of terrorism had been committed during the previous year. Acts of terrorism were punishable under the Swedish criminal code, including murder, arson, destruction hazardous to public safety, etc. The associated crimes of preparation, conspiracy, attempting to commit, taking part in or attempting to take part in such crimes were covered in similar ways. The approval by Parliament of consent to the European Union Framework Decision on Combating Terrorism constituted a first step towards the incorporation of the crime of terrorism into Swedish criminal law.

163. **Tunisia** provided the text of relevant provisions of its Penal Code[35] and also indicated that its legislation did not contain any special chapters devoted to what is known as international terrorism, apart from chapters 52 (a) and 134 of the Penal Code and 313 of the Code of Penal Procedures.

164. In addition, Tunisia referred to the adoption of a set of security measures which formed part of a comprehensive strategy for combating the phenomenon of terrorism and thwarting the destructive designs of criminal groups. Its main features were as follows:

- Safeguarding and preservation of administrative documents, in particular, identity papers and passports, and measures to protect them from forgery or use by terrorist elements;
- Measures to inform public opinion about the destructive plans of terrorist elements and to raise public awareness of the need to exercise increased vigilance and prudence and to cooperate more closely with the security forces to eradicate this phenomenon;
- Adoption of the necessary security procedures and practical measures to prevent the infiltration of the country by terrorist elements by protecting transit points, airports, ports and border posts;

- Constant attention and supervision to monitor the behaviour and activities of elements imbued with extremist religious thinking and persons propagating civil unrest and terrorism;
- Gathering of information about the activities of these elements and the utilization of this information to take appropriate decisions to deal with possible terrorist actions;
- Efforts to penetrate terrorist networks so as to shed more light on their working methods and discover their plans, since that would ensure that the necessary measures were taken to deal with them in time;
- Continuation of efforts to eradicate extremist groups and prevent them from attracting new members under the cover of religion or any other cover;
- Identification of the sources of domestic and foreign funding of terrorist groups and the channels through which those funds passed;
- Identification of the kind of training, the locations of that training and its overseers and those receiving the training;
- Measures to ensure the adoption of the procedures and steps necessary to prevent the infiltration of the security apparatus and the army and sensitive points in the country in general;
- Measures to prevent the infiltration by extremist elements of fields and areas which they specifically targeted, such as social and welfare associations and other youth, professional and social organizations;
- Intensified surveillance of the supply and possession of arms and operations connected to the manufacture of explosives and the export, supply, shipment, storage and trafficking of such explosives in order to prevent them from being used by advocates of extremism and violence in criminal and terrorist acts;
- Monitoring of activities related to organized crime with a view to establishing the connections between them (financing, procuring of forged documents, smuggling of arms and people).

165. Within the framework of the prosecution of Tunisian nationals involved in extremist activities whose membership of terrorist organizations had been established:

- Thirty-four terrorists had been prosecuted by the Permanent Military Tribunal in Tunis in case No. 12101 of 30 January 2002, including three persons who had been sentenced in their presence to terms of imprisonment of between 8 and 10 years and to five years' administrative supervision. The remaining persons (31 persons were abroad) had been sentenced in absentia to 20 years' imprisonment and five years' administrative supervision each, and all the accused had been deprived of their civil right for "placing themselves in peacetime at the disposal of a foreign organization and inciting others to do likewise in order to harm people and damage property, and endeavouring to incite hatred and religious intolerance". In addition, the property of three of the accused had been confiscated in accordance with chapter 132, paragraph 2, of the Code of Military Procedures and Punishments and chapter 52 (a) of the Penal Code.
- Restrictive measures had been taken against 77 Tunisians who were proven members of terrorist organizations, including al-Qa'idah, which provided that they be arrested and stand trial, and special and specific search warrants had been issued in respect of them under the provisions of Judicial Order No. 80968 of 27 December 2001. The judicial proceedings against them were continuing before the Court of First Instance in Tunis, where they had been charged with being involved in a collective plan to harm people and damage property for the purpose of creating terror and panic, with belonging to a group of wrongdoers seeking to prepare attacks on persons and property and with taking part therein.
- A restrictive measure had been adopted which prevented all persons on the new United Nations list dated 14 March 2002, containing the names of 212 individuals, from entering Tunisian territory or passing through it. In particular, the Tunisian terrorist Chafiq Ayadi, who appeared on the list, had been the subject of a previous restrictive measure under which he had been arrested and stood trial, since he was wanted for involvement in a terrorist case on the charge that he had placed himself in peacetime at the disposal of a terrorist organization working abroad and was a member

of an illegal organization. He had been sentenced in absentia to 10 years' imprisonment on 20 June 1995 by the Permanent Military Court in Tunis.

– Immediately after the explosion in Djerba on 11 April 2002, the relevant judicial and security forces had been immediately transferred there and a judicial investigation promptly opened to establish the causes of the incident, identify the perpetrators and establish possible links between them and terrorist organizations. The Tunisian judicial authority was continuing the investigation, which it had undertaken in cooperation and coordination with a number of foreign security services, in particular the German and French services. Investigations would continue, without neglecting any thread or lead relating to that act, including links between the person suspected of committing the crime and persons residing in Germany.

166. The **United Arab Emirates** provided the information which had been submitted to the Counter-Terrorism Committee of the Security Council, contained in document S/2002/239.

B. Information received from international organizations

1. United Nations system

167. The **United Nations Office for Drug Control and Crime Prevention** recalled that its Terrorism Prevention Branch maintained and updated databases on terrorist and counter-terrorist incidents; the information for those databases is obtained from open sources.

168. The Office highlighted the role of the Commission on Crime Prevention and Criminal Justice and further work undertaken to provide follow-up action to its recommendations. In that connection, it recalled that, at its resumed session held on 6 and 7 September 2001, the Commission elaborated plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, including a plan of action against terrorism. Such plans, which were contained in the annex to General Assembly resolution 56/261 of 31 January 2002, mandated the Centre for International Crime Prevention (CICP) to, inter alia:

- Take steps to raise awareness of the relevant international instruments and encourage States to sign and ratify such instruments and, where feasible, provide assistance in implementing such instruments to States, upon request;
- Take measures to raise public awareness of the nature and scope of international terrorism and its relationship to crime, including organized crime, where appropriate;
- Offer analytical support to Member States by collecting and disseminating information on the relationship between terrorism and related criminal activities.

169. The Commission had also held two intersessional meetings, one on 15 November 2001 and one on 14 January 2002, devoted to terrorism. During the latter, it had decided to include an additional item related to terrorism in its agenda for the eleventh session. On that occasion, the Commission had adopted resolution 11/1, entitled, "Symposium on Combating international terrorism: the contribution of the United Nations". The Symposium had been held on 3 and 4 June 2002. In addition, at the same session, the Commission had recommended to the Economic and Social Council the adoption of a draft resolution entitled "Strengthening international cooperation and technical assistance within the framework of the activities of the Centre for International Crime Prevention in preventing and combating terrorism", which further solidified and clarified existing mandates.

170. The Office had been engaged in a number of activities, consistent with its renewed mandates, including:

(a) The CICP Terrorism Prevention Branch had continued to maintain and expand a roster of experts. In order to supplement its current roster of experts that it had provided to the Counter-Terrorism Committee, it had sent out a questionnaire to experts on terrorism on their expertise as it specifically pertained to the needs of the Committee.

(b) CICP had undertaken joint initiatives to enhance synergy with appropriate entities both within the United Nations system and with international organizations. For example, the Office had jointly organized with the Organization for Security and Cooperation in Europe (OSCE) the Bishkek International Conference on Enhancing Security and

Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism (13-14 December 2001). The conference had resulted in a Programme of Action which strongly encouraged joint initiatives between the Office and OSCE/ODIHR, such as organizing regional and subregional workshops for the promotion of the ratification and implementation of international conventions. In addition to the Programme of Action, the States participants of the International Conference in Bishkek had adopted a Declaration.[36] In April 2002, an informal round-table working meeting had been held with Central Asian delegations and representatives of OSCE and the Office to discuss follow-up to the Bishkek Conference and exchange views on the immediate priorities of the Central Asian States as well as possible directions for international assistance. Additional follow-up meetings were anticipated.

(c) In June 2002, the Symposium "Combating International Terrorism: the Contribution of the United Nations" had been convened, with the support of the Government of Austria. The Symposium had been attended by 101 States, 10 intergovernmental organizations and 6 non-governmental organizations as well as high-level representatives of the United Nations Secretariat and personalities serving as panellists. The Symposium had underlined the key role of the United Nations in norm-setting, advocacy and developing policy recommendations, as well as in providing technical assistance. It was recognized that the Office had an essential function in assisting Governments in ratifying and implementing the 12 international conventions and protocols relating to the prevention and suppression of international terrorism and in raising their capacities against terrorism by, inter alia, the preparation of model laws, providing guidance for States and advising on legislative changes. The Federal Minister for Foreign Affairs of Austria had announced during the Symposium a forthcoming contribution of $1 million for the strengthening of the capacity of the Office to develop projects to combat terrorism. The Governments of Italy, Japan and the United States had also pledged contributions for activities in that field. Ad interim measures had been taken to strengthen the staffing of the Office dedicated to the fight against international terrorism, in anticipation of a more comprehensive review of the resources available, with relevant proposals being submitted to the General Assembly in pursuance of paragraph 103 of resolution 56/253 of 24 December 2001.

(d) As a follow-up to the Symposium, CICP was preparing a strategy towards an agenda for international cooperation against terrorism, aimed at upgrading the capacity of countries to prevent and combat terrorism. In close coordination with the Security Council Counter-Terrorism Committee, CICP would assist requesting countries in taking concrete steps towards the ratification and implementation of the universal instruments against terrorism. The work of the Centre would include the preparation of legislative guidelines and implementation kits, direct technical assistance as well as enhancing procedures for international cooperation, including mutual legal assistance and law enforcement cooperation.

171. In general the Office was committed to ensuring that overlaps were avoided and that resources were used with optimal efficiency by identifying the added value that each entity could provide. In that regard, it would ensure that complementarities and synergies were enhanced between relevant United Nations bodies, in particular the Counter-Terrorism Committee and the Office of Legal Affairs, as well as with regional and subregional organizations.

172. The **International Maritime Organization** (IMO) reported on a series of activities relating to the prevention and suppression of acts of terrorism against shipping.

173. Following the terrorist attacks of 11 September 2001 and subsequent to the unanimous approval by the IMO Council, at its twenty-first extraordinary session, of the corresponding draft Assembly resolution, proposed by the Secretary-General, the Assembly in November 2001 had adopted unanimously without changes resolution A.924(22) on "Review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships".

174. To pursue further the organization's response to any threats on shipping posed by acts of terrorism, the Assembly had taken a number of additional decisions, including the convening of a Maritime Security Conference in December 2002 to adopt amendments to the International Convention for the Safety of Life at Sea (SOLAS) and possibly the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), the preparation of which had been entrusted to an intersessional Maritime Safety Committee (MSC) Working Group on

Maritime Security (ISWG), scheduled to meet in February 2002 with agreed terms of reference, and the establishment of a fourth ad hoc working group at MSC 75.

175. Pursuant to paragraph 1 of resolution A.924(22), requesting the Maritime Safety Committee, the Legal Committee and the Facilitation Committee, under the direction of the Council, to undertake, on a high priority basis, a review to ascertain whether there is a need to update the instruments referred to in the preambular paragraphs and any other relevant IMO instrument under their scope and/or to adopt other security measures and, in the light of such a review, to take prompt action as appropriate", action had been taken by the IMO bodies concerned as reported in the following paragraphs.

176. The Facilitation Committee had acknowledged that facilitation and enhanced security were complementary to each other and should not be viewed as excluding each other. Enhanced security could lead to the expeditious clearance of ships, crews, passengers and cargoes. To ensure that that aspect was taken into account, the Committee had recommended that existing documentation requirements for seafarers and for the clearance of ships should be reviewed and, where necessary, security improvements should be made prior to any action being taken to initiate new and/or additional documentation requirements.

177. The Shipboard/Port Interface Working Group, giving initial consideration to maritime security matters from the port perspective, had recommended that security considerations should cover all ships, those on board (passengers and crew), offshore terminals and the whole port area, including port approaches, port operations and persons ashore (port personnel or nearby inhabitants).

178. The STCW Subcommittee, in considering the outcome of a study on unlawful practices associated with certificates of competency, had also considered whether there was a need to develop guidance on appropriate disciplinary measures or sanctions of sufficient severity against persons involved in fraudulent practices. Noting that STCW regulation I/5 required each party to prescribe penalties or disciplinary measures for cases which included fraud or the use of forged documents and that the national provisions implementing such penalties and measures had been communicated to the Secretary-General and evaluated by competent persons, the Subcommittee had not therefore considered it necessary to develop guidance on the issue.

179. ISWG had adopted decisions on the following topics:[17]

- Automatic Identification Systems (AIS) — Proposed amendments to SOLAS regulation V/19.2.4;
- Long-range AIS interface;
- Ship and offshore facility security plans;
- Ship security officer;
- Company security officer;
- Port facility security plans;
- Port vulnerability assessment;
- Seafarer identification verification and background check;
- Container examinations and coop ration with the World Customs Organization;
- Information on the ship, its cargo and people;
- Means of ship alerting;
- Ship security equipment.

180. MSC 75, in considering the report of ISWG, had taken a number of decisions of principle on the above topics and, in order to establish an umbrella under which the new security requirements could be made mandatory, had agreed to divide SOLAS Chapter XI into two parts, respectively:

- Part 1, Special Measures to Enhance Maritime Safety;
- Part 2, Special Measures to Enhance Maritime Security.

Under Part 2, the International Code for the Security of Ships and of Port Facilities (ISPS Code) was expected to be implemented with a mandatory part A and a recommendatory part B.

In order to review and finalize the mandatory requirements and the recommendatory guidance part still to be developed, as well as the necessary conference resolutions, addressing other relevant maritime security issues, another ISWG meeting had been agreed to be held from 9 to 13 September, before

the Maritime Security Conference was expected to adopt the new maritime security provisions.

181. In considering how best to integrate maritime security into the long-term goals and objectives of the organization and to ensure that it remained a high-priority item for the foreseeable future, MSC 75 had agreed to keep the issue on its own agenda and to establish a Working Group on Maritime Security, if and when its was considered necessary. Further consideration to developing a strategy on maritime security was to be given at a future date, when the report of a meeting of the Chairmen of MSC and the Marine Environment Protection Committee (MEPC) and their subsidiary bodies on the review of the subcommittee structure would be available, which might provide some guidance on the way forward on the issue.

182. The work plan and time frame for further work developed by the ISWG would be further reviewed in the light of the work completed and progress made at the September ISWG meeting for consideration by MSC 76 for approval and any further appropriate action.

183. The regulatory review process described above was to be completed with the Diplomatic Conference on Maritime Security in December 2002 in London with the adoption of amendments to SOLAS Chapter XI and the new ISPS Code.

184. The IMO Assembly, in its resolution A.924(22), had also requested the Legal Committee to review those instruments to ascertain whether they needed to be updated in some respect. That review was part of an overall organizational review of measures and procedures to prevent acts of terrorism which threatened the security of passengers and crews and the safety of ships.

185. In preparation for the review, the IMO secretariat had issued Circular Letter 2356 to invite parties to those instruments to communicate information regarding any relevant offences which might have been committed, the measures taken in relation to the offender or alleged offender, and the results of any extradition proceedings or other legal proceedings. The organization has not as yet received any information in response to the circular.

186. In line with the decision adopted at its previous session and IMO Assembly resolution A.924(22), the Legal Committee had begun its consideration of possible amendments to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988, and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988 (the SUA treaties).

187. The Committee had decided to establish a formal correspondence group under the leadership of the United States, with the task of studying and proposing necessary amendments to the two treaties in order to facilitate, strengthen and expand international cooperation and coordination as a means of combating unlawful acts, including terrorist acts. The SUA Correspondence Group would take into consideration other conventions and protocols relating to terrorism with the intent to avoid duplication or conflict; the Group would also revise and expand as necessary the offences in article 3 of the 1988 SUA Convention and article 2 of the 1988 SUA Protocol to ensure that a wide range of unlawful acts, including terrorist acts, were sufficiently covered by the two instruments in the light of the experience of 11 September 2001.

188. The outcome of the Group's work would be reported to the Committee at its next session in October 2002.

189. At the request of ISWG, the Legal Committee had considered how the terms "ownership" and "control" of ships should be defined for the purpose of detecting or deterring unlawful acts involving the use of a ship. The Committee had decided that an examination of beneficial ownership and piercing of the corporate veil was not necessary. It had agreed that the fundamental issue was to determine "who has effective operational control of the ship". The Committee had concluded that, to that end, information which answered the following questions was relevant:

- Who appoints the crew?
- Who fixes the use of the ship?
- Who signs the charter party on behalf of the owner?

190. The Committee had decided that suitably adapted concepts from the ISM Code combined with flag State responsibilities would provide a good reference point or framework for answering those questions.

191. The Assembly had also endorsed the proposal of the Secretary-General that, simultaneously with the review process, but without awaiting its full conclusion, funds should be allocated to assist countries in assessing, putting in place and enhancing appropriate infrastructure and measures to strengthen port safety and security so as to prevent and suppress terrorist acts directed against ports and port personnel, as well as ships in port areas, passengers and crews.

192. IMO had launched a global programme on maritime/port security, with initial funding of $2,145,000, so that the organization might address the related technical assistance needs of developing countries.

193. The IMO global programme was essentially a capacity-building one, providing awareness training on threats to shipping and port operations and on the preventive measures that could be put in place immediately — and that were likely to become mandatory — including the preparation of vulnerability and risk assessments, and consequent security plans for designated ships and ports. It was not IMO's intention — nor did it have the required funding — to undertake capital expenditure activities to address the physical infrastructure improvements that many ports in developing countries would certainly require to strengthen their security measures. Accordingly, the IMO programme was concentrating on the following activities:

(a) Preparation of an outline programme for subsequent training workshops;

(b) Development of detailed lesson plans and presentations for instructors;

(c) Translation of training materials;

(d) Delivery of 14 subregional workshops;

(e) Delivery of advisory missions and national workshops;

(f) Provision of fellowships and on-the-job training attachments.

194. As regards additional steps to be taken, IMO recalled that the international shipping and port communities were keenly aware of the impact that acts of terrorism would have on a transport mode that was so vital to world trade and the global economy. The review process initiated at IMO reflected the unequivocal determination of the maritime/port sector to prepare for, prevent and suppress such acts. That was already building up global confidence in the sector's ability to respond appropriately to the scourge of terrorism.

195. Meanwhile, much had been said recently about the potential linkage between poverty and deprivation, and the creation of conditions in which terrorism might arise. Those were views that IMO shared fully, and it was therefore equally concerned that a significant and prolonged downturn in world trade, as a result of terrorist attacks in the maritime/port sector, would be particularly damaging to the economies of the developing countries, many of which depended entirely on shipping for their day-to-day commerce and on a clean marine environment for their tourism and fisheries industries. The capacity-building programme that IMO had launched therefore sought to forestall such effects by helping developing countries to put in place the required maritime/port security measures.

196. In that context, IMO foresaw that there would be a continuing need over the coming few years to train maritime and port personnel on the emerging mandatory requirements for the development and maintenance of security measures, and to equip facilities with the necessary security infrastructure.

197. As the funds available to IMO for that purpose were limited, the organization was already in touch with potential development partners — for example, the World Bank and the United Nations Development Programme — to seek co-financing and ensure appropriate coordination of activities and maximization of resources. In that context, the President of the World Bank had already responded to the IMO call for cooperation in a very encouraging manner, indicating that in its financial operations for the development/enhancement of port infrastructure, the Bank would seek to promote effective compliance with the new maritime/port security regime currently being developed by IMO.

198. The **International Monetary Fund** indicated that it provided technical assistance to member countries to strengthen anti-money-laundering and combat the financing of terrorism (AML/CFT) regimes. Technical assistance on AML/CFT was often provided by the Fund in response to a request of a member in order to facilitate the implementation of the recommendations provided within the framework of the financial sector assessment programme (FSAP) or

during the Fund's assessments of offshore financial centres (OFC). The FSAP is a joint initiative of IMF and the World Bank; both OFC and FSAP assessments included AML/CFT elements. IMF and the World Bank coordinated their technical assistance on AML/CFT.[38]

199. The **United Nations Educational, Scientific and Cultural Organization** indicated that most of its major programmes and principal priorities in education, culture, communication, social and human sciences and natural sciences (Education for All, Cultural Diversity, Ethics, Eradication of Poverty and Culture of Peace and Tolerance), addressed some of the root causes of terrorism. It also noted the adoption by the General Conference, on 20 October 2001, of resolution 39, entitled "Call for international cooperation to prevent and eradicate acts of terrorism".

2. Other international organizations

200. The **Council of Europe** provided information concerning the current state of signatures and ratifications of the European Convention on the Suppression of Terrorism.[39] It also indicated that at its 109th session, on 8 November 2001, the Committee of Ministers had decided that the Council of Europe's contribution to international action against terrorism would develop along three major lines of action: strengthening legal action; safeguarding fundamental values; addressing some of the distant causes, in particular through greater social cohesion and intercultural dialogue.[40]

201. A Multidisciplinary Group on international action against Terrorism had immediately been set up. Its first progress report had been considered on 3 May 2002 by the Ministers who entrusted it with the preparation of a Protocol to the European Convention on the Suppression of Terrorism. The Protocol would update the Convention and remove obstacles to more effective cooperation. The Group had already made good progress in that work, especially where it related to those offences which could no longer be regarded as political offences. It was also addressing the possibility of refusing the extradition of an individual who might be exposed to the death penalty. Work should be completed before the end of 2002.

202. The Convention on Cybercrime had been opened for signature on 23 November 2001 and had been widely hailed as a major innovation. It would be relevant in the fight against terrorism. The implementation of the Convention on Laundering, Seizure and Confiscation of the Proceeds from Crime was a recognized building block in the international action against the funding of terrorism.

203. The most important contribution of the Council of Europe was probably in helping members and non-members to combine resolute action against terrorism and respect for the fundamental values of the Council. It had prepared Guidelines on human rights and the fight against terrorism, which would be finalized by the end of 2002.

204. Based on international texts, including the United Nations Covenants, and on the case law of the European Court of Human Rights, the Guidelines called for reasonable and proportionate measures, striking a balance between the obligation to provide protection against terrorist acts and the obligation to safeguard human rights. They also specified the restraints which States would impose on themselves in any circumstances in their fight against terrorism. Among these were the prohibition of arbitrariness, torture, discrimination, retroactive legislation and absolute respect for the rights to life and to a fair trial.

205. The **League of Arab States** (LAS) recalled that the Arab ministers of the interior and of justice had signed the Arab Convention on the Suppression of Terrorism at their joint meeting held at the seat of the secretariat of the League of Arab States on 22 April 1998, and that the Convention had entered into force on 7 May 1999; 16 States have thus far ratified it. The Convention sought to enhance cooperation among the Arab States in combating the terrorist crimes that threatened their security and stability and jeopardized their vital interests. It incorporated a definition of "terrorism" and of "terrorist offence" and it made provision for a series of measures relating to inter-Arab cooperation to counter terrorism in the security and judicial fields.

206. At their joint meeting, the councils of Arab ministers of justice and of the interior had adopted a decision calling upon the Arab States to take the necessary action to bring about the following within the framework of their domestic laws:

- More severe penalties for terrorist crimes;
- The imposition of the same punishment for attempts to commit terrorist crimes as for the crime itself;

- The freezing and confiscation of instruments and assets that were the proceeds of terrorist crimes, were used in them or were connected with them.

207. Given the concern of the Arab States to give effect to the Arab Convention on the Suppression of Terrorism, a joint ministerial committee of the councils of Arab ministers of justice and of the interior had elaborated implementing measures for the Convention in the judicial and security fields and they had come into effect on 1 January 2001. The councils of Arab ministers of justice and of the interior had adopted a number of decisions in this field in order to follow up the implementing measures elaborated by the ministerial committee. They had done so on the basis of a special questionnaire completed by the competent authorities in the ministries of justice and of the interior in the Arab countries and sent to the criminal police bureau of the Council of Arab Ministers of the Interior, which then prepared an annual report on the measures taken to implement the Convention.

208. In 1994, the Council of Arab Ministers of the Interior had adopted the Arab strategy to combat terrorism, and that had given rise to a preliminary three-year phased plan that had been adopted by the Council in 1998. That had been followed by another three-year phased plan that had been approved by the Council in early 2001. The Arab strategy to combat terrorism sought:

- To combat terrorism and eliminate its causes;
- To promote the maintenance of the security and stability of the Arab world and protect it from terrorism;
- To promote the maintenance of the principles of legality and the rule of law;
- To promote the maintenance of the security of the individual in the Arab world and enhance respect for human rights;
- To promote the maintenance of the security and safety of public institutions and facilities in the Arab States;
- To convey the true image of Islam and Arab civilization;
- To enhance and develop cooperation among the Arab States in combating terrorism;
- To promote cooperation with other countries and international organizations in combating terrorism.

209. In the context of coping effectively with terrorism and in accordance with the provisions of the 1994 Arab strategy to combat terrorism, appropriate national policies had been formulated and there had been cooperation at the inter-Arab and international levels using the means described hereunder.

(a) Preventive measures

- Increased State support for the family in order to ensure a sound education for the young
- Incorporation in school curricula of the spiritual, moral and educational values deriving from Islam and Arab civilization
- Involvement of religious institutions in conveying the correct image of Islam
- Involvement of the State institutions concerned in studying the causes of terrorism, in preventing their aggravation and in action to eliminate them
- Increased use of all the information media — radio, television and the press — to expand public awareness at the national and pan-Arab levels and to highlight the correct image of Islam and Arab civilization

(b) Measures to suppress and combat terrorism

The State takes effective and energetic measures to suppress and combat terrorism in all its forms and manifestations by:

- Abstaining from initiating, attempting or participating in any way whatsoever in the organization, financing or incitement of terrorist acts or assisting in their organization or perpetration
- Preventing its territory from being used for the planning, organization or perpetration of terrorist offences or for attempts at or acts accessory to such offences in any manner whatsoever by, inter alia, preventing the illicit entry and sojourn of terrorist elements, whether individuals or groups, or by refusing to receive, shelter, train, arm or finance them or to provide them with facilities
- Instituting stricter monitoring procedures and securing borders, airports, seaports and land-

based points of entry in order to prevent the infiltration of terrorists and the smuggling of arms, ammunition and explosives

- Arresting the perpetrators of terrorist offences and prosecuting them in accordance with national law or extraditing them in accordance with the provisions of conventions concluded with other States
- Making available whatever assistance was necessary to victims of terrorism
- Providing effective protection to sources of information concerning terrorist crimes and to those witnessing such crimes
- Providing effective protection for those working in the criminal justice field
- Enhancing the protection, security and safety of the diplomatic and consular missions and personnel and international and regional organizations accredited to the State.

210. The League of Arab States also indicated that, at its session held in January 2002, the Council of Arab Ministers of the Interior had adopted an LAS model anti-terrorism law and an LAS model law on arms, ammunition, explosives and dangerous substances.

211. The Arab bureau for security-related information activities in the secretariat of the Council of Arab Ministers of the Interior had prepared a model comprehensive Arab media plan to promote awareness among Arab citizens of the dangers of terrorism and to inculcate spiritual, moral and educational values.

212. At the invitation of the Secretary-General of the League of Arab States, a meeting of a group of Arab experts had been convened to study Security Council resolution 1373 (2001), on measures to combat international terrorism, in order to formulate a unified Arab position on the implementation of the resolution. The expert group had adopted a number of recommendations which had been endorsed by the Council of the League at its two most recent sessions at the ministerial and summit levels. In its recommendations, the group affirmed the support of the Arab States for the efforts of the United Nations to eliminate international terrorism, especially those being made to convene an international conference under the auspices of the United Nations to discuss terrorism and to elaborate a comprehensive international counter-terrorism convention incorporating a precise definition of terrorism, differentiating between it and the legitimate right of peoples to resist occupation and aggression, embracing the concept of State terrorism, condemning terrorism in all its forms and manifestations regardless of its motives and rationale (thus conforming to the definition incorporated in the Arab Convention on the Suppression of Terrorism) and stressing the need to eliminate its possible causes, especially the occupation of territory and the denial of the right of peoples to self-determination and to sovereignty over their territory so as to maintain the territorial integrity of the State.

213. In implementation of paragraph 6 of Security Council resolution 1373 (2001), calling upon all States to report to the Security Council Counter-Terrorism Committee on the steps they had taken, the great majority of Arab States had sent replies to the Committee.

214. The League secretariat had proposed counter-terrorism as a separate item for the agenda of the Council of the League meeting at the level of ministers for foreign affairs at its most recent session and had done likewise for the summit-level Council of the League at its recent session held in Beirut. The Council had adopted resolution 14/231 on 28 March 2002, reaffirming its categorical rejection and resolute condemnation of terrorism in all its forms and manifestations and regardless of its motives or rationale and differentiating between it and the right of peoples to resist aggression and foreign occupation. In the resolution, the Council had expressed support for the efforts to convene an international conference under the auspices of the United Nations to discuss terrorism in all its forms and elaborate a comprehensive international convention to combat and eliminate terrorism that incorporated a definition of the phenomenon and differentiated it from the legitimate right of peoples to fight occupation and foreign aggression. It had stressed the need for constructive and balanced cooperation among all States in combating and coping with the phenomenon of terrorism and expressed concern for the observance of "international legitimacy" without selectivity or the use of double standards.

215. In order to strengthen Arab regional cooperation in combating terrorism, the Council of Arab Ministers of the Interior organized periodic conferences of those responsible for counter-terrorism in the Arab States.

Those conferences presented an opportunity to strengthen cooperation and coordination among the Arab States in combating terrorism and preventing the damage and the tragedies it caused. In that context also, the Council of Arab Ministers of Justice had organized an inter-Arab legal seminar on the Arab Convention on the Suppression of Terrorism and the means of giving it effect at the International Institute of Higher Studies in Criminal Sciences in Siracusa, Italy. The League of Arab States had also participated in a number of national, regional and international conferences and seminars, the most recent being a seminar held in Washington, D.C., from 14 to 17 May 2002 by De Paul University on the subject of bioterrorism, where the League had presented a paper on the topic.

216. Finally, it was noted that the Arab Council of Ministers of Justice had adopted a number of decisions on strengthening inter-Arab coordination in support of the measures being taken by the United Nations against international terrorism, especially the drafting of such legal instruments relating to counter-terrorism as the International Convention for the Suppression of the Financing of Terrorism, which had been adopted by the General Assembly, and the draft convention for the suppression of acts of nuclear terrorism and draft comprehensive convention on international terrorism.

217. Coordination among the Arab States would be maintained at all levels in order to combat terrorism in all its forms and manifestations, whether in the regional or international arenas. The Arab States also accorded special importance to the international instruments for the suppression of international terrorism, and a number of Arab States had signed and ratified those instruments.

218. The **Pacific Islands Forum** indicated that, in relation to the heinous acts of 11 September 2001, the Chairman had issued a statement on 26 September 2001.[41]

219. Moreover, the Forum indicated that it was not aware of any regional or bilateral agreements relating to international terrorism in the region, nor was it aware of any incidents caused by international terrorism and criminal prosecutions and sentencing.

220. Furthermore, in 1992, Forum Leaders had adopted the Honiara Declaration on Law Enforcement Cooperation, which had identified a number of legislative priorities the enactment of which would assist in combating transnational organized crime and preventing it from taking hold in the region. These included legislation on mutual assistance in criminal matters, forfeiture of the proceeds of crime, extradition and money-laundering, and implementation of the Forty Recommendations of the Financial Action Task Force on Money Laundering (FATF) and the 1988 United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. Enacting the legislative priorities of the Honiara Declaration would be a positive step towards addressing Security Council resolution 1373 (2001).

221. A Pacific Islands Regional Counter-Terrorism Workshop had been held in Honolulu, Hawaii, in March 2002.[42] Forum members had been requested to provide information on their level of compliance with the implementation of Security Council resolution 1373 (2001) so that a scoping exercise might be carried out on implementation requirements and technical assistance needs.

222. Regional law enforcement agencies (Oceania Customs Organization, Pacific Immigration Directors Conference and South Pacific Chiefs of Police Conference) had developed frameworks to address Security Council resolution 1373 (2001).[43] Regional law enforcement agencies considered that international terrorism and transnational organized crime were interlinked to the extent that they required parallel mechanisms and responses to be developed involving border protection measures, crime prevention, money-laundering and asset seizure. Complementary systems and processes were required across the region to facilitate exchanges of information and intelligence, and it was also clear that additional training would be required to ensure that appropriate standards were achieved and maintained. The regional law enforcement agencies had also developed a regional framework for compliance with the United Nations Convention against Transnational Organized Crime.

223. The region strongly supported a coordinated approach to ensure consistency of response mechanisms involving legislation, training, technical assistance and communication to combat terrorism and organized crime. It would therefore be recommended to the June 2002 meeting of the Forum Regional Security Committee that a committee comprising the regional law enforcement agencies and the Forum Secretariat together with Australia and New Zealand should be formed to coordinate the development of a regional

framework including model legislation. The regional framework would take into account the requirements of Security Council resolution 1373 (2001), the FATF Recommendations and the United Nations counter-terrorism conventions. The committee would furthermore take into account current work being undertaken by the Commonwealth Secretariat, the Forum Secretariat, the law enforcement agencies and other relevant agencies.

224. The Forum Secretariat had a first draft of an omnibus counter-terrorism bill which was being used in the provision of legislative drafting assistance to Forum members with United States-based legal systems.

225. There were resource constraints affecting law enforcement agencies in the region in developing intelligence units to deal with terrorism and organized crime. The use of collective mechanisms such as the Combined Law Agency Group concept was strongly supported in the absence of dedicated resources to address the matter. Using the Combined Law Agency Concept, the development of joint targeting/intelligence units between police, customs and immigration would be vital in addressing resource constraints and improved utilization of intelligence-sharing and targeting.

226. Great importance was attached to the training of law enforcement officers in the identification of fraudulent documentation where it might be utilized by terrorist groups and those engaged in smuggling of persons as well as other transnational crime to facilitate entry into, transit through or exit from States within the region. Two border control training courses were to be held at the Forum Secretariat in May/June 2002. The participants would be encouraged to pass on their skills to the officials of all border control agencies in their home country.

III. International legal instruments related to the prevention and suppression of international terrorism

A. Status of international conventions pertaining to international terrorism

227. Currently, there are 19 global or regional treaties pertaining to the subject of international terrorism. Each instrument listed below is represented by the letter shown on the left, which is featured in the tables that follow to reflect the status of that instrument:

A. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (entered into force on 4 December 1969): status as at 31 May 2002;[44]

B. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 (entered into force on 14 October 1971): status as at 31 May 2002;[44]

C. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 (entered into force on 26 January 1973): status as at 31 May 2002;[44]

D. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973 (entered into force on 20 February 1977): status as at 28 June 2002;[45]

E. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979 (entered into force on 3 June 1983): status as at 28 June 2002;[45]

F. Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980 (entered into force on 8 February 1987): status as at 18 June 2002;[46]

G. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988 (entered into force on 6 August 1989): status as at 31 May 2002;[47]

H. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988 (entered into force on 1 March 1992): status as at 31 May 2002;[47]

I. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988 (entered into force on 1 March 1992): status as at 31 May 2002;[47]

J. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991 (entered into force on 21 June 1998): status as at 31 May 2002;[44]

K. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December

1997 (opened for signature on 12 January 1998 until 31 December 1999): status as at 28 June 2002;[45]

L. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999 (opened for signature on 10 January 2000 until 31 December 2001): status as at 28 June 2002;[45]

M. Arab Convention on the Suppression of Terrorism, signed at a meeting held at the General Secretariat of the League of Arab States in Cairo on 22 April 1998 (entered into force on 7 May 1999): status as at 22 May 2002;

N. Convention of the Organization of the Islamic Conference on Combating International Terrorism, adopted at Ouagadougou on 1 July 1999; status as at 9 March 2002;

O. European Convention on the Suppression of Terrorism, concluded at Strasbourg on 27 January 1977 (entered into force on 4 August 1978): status as at 2 July 2002;[48]

P. OAS Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance, concluded at Washington, D.C., on 2 February 1971 (entered into force on 16 October 1973): status as at 28 June 2002;[49]

Q. OAU Convention on the Prevention and Combating of Terrorism, adopted at Algiers on 14 July 1999: status as at 24 June 2002;

R. SAARC Regional Convention on Suppression of Terrorism, signed at Kathmandu on 4 November 1987 (entered into force on 22 August 1988): all seven States members of SAARC (Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka) are parties to the Convention;

S. Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism, done at Minsk on 4 June 1999: status as at 1 April 2002.

Table 1
Total participation in international conventions pertaining to international terrorism

Signature																		
A	*B*	*C*	*D*	*E*	*F*	*G*	*H*	*I*	*J*	*K*	*L*	*M*	*N*	*O*	*P*	*Q*	*R*	*S*
41	77	60	25	39	45[a]	69	41	39	51	59	132	22[b]	6	43	19	41[c]	-	7

Ratification, accession or succession																		
A	*B*	*C*	*D*	*E*	*F*	*G*	*H*	*I*	*J*	*K*	*L*	*M*	*N*	*O*	*P*	*Q*	*R*	*S*
173	175	176	119	108	69[a]	119	69	61	80	64	39	16[b]	3[b]	37	16	12[c]	7	6

[a] Includes the European Atomic Energy Community, which is not listed in table 2.
[b] Includes the Palestinian Authority.
[c] Includes the Saharawi Arab Democratic Republic.

Table 2
Status of participation in international conventions pertaining to international terrorism

State	Signature																	Ratification, accession or succession																
	A	*B*	*C*	*D*	*E*	*F*	*G*	*H*	*I*	*J*	*K*	*L*	*M*	*N*	*O*	*P*	*Q*	*R*	*S*	*A*	*B*	*C*	*D*	*E*	*F*	*G*	*H*	*I*	*J*	*K*	*L*	*M*	*N*	*O*	*P*	*Q*	*R*	*S*
Afghanistan		B								J										A	B	C																
Albania												L			O					A	B	C	D	E	F					K	L			O				
Algeria											K	L	M	N			Q			A	B	C	D	E		G	H		J	K	L	M			Q		
Andorra												L			O																							
Angola																	Q			A	B	C														Q		
Antigua and Barbuda																				A	B	C	D	E	F						L							
Argentina		B	C			F	G	H	I	J	K	L								A	B	C	D	E	F	G	H		J									
Armenia												L			O				S				D		F													S
Australia		B	C	D		F						L								A	B	C	D	E	F	G	H	I										
Austria		B	C		E	F	G	H		J	K	L			O					A	B	C	D	E	F	G	H	I	J	K	L			O				
Azerbaijan												L			O				S		B	C	D	E		G			J	K	L							
Bahamas								H	I											A	B	C	D	E															
Bahrain												L	M							A	B	C				G			J			M						
Bangladesh																				A	B	C															R	
Barbados	A	B	C																	A	B	C	D	E			H	I										
Belarus		B	C	D			G	H	I	J	K	L								A	B	C	D	E	F	G			J	K								
Belgium	A	B	C		E	F	G	H	I	J	K	L			O					A	B	C		E	F	G								O				
Belize										J		L								A	B	C	D	E		G				K								
Benin		B										L					Q				B																	
Bhutan												L								A	B	C	D	E													R	
Bolivia					E					J		L				P				A	B	C	D	E	F	G	H	I	J	K	L				P			
Bosnia and Herzegovina												L								A	B	C	D	E	F	G												
Botswana			C									L					Q			A	B	C	D	E	F	G	H	I	J	K	L							
Brazil	A	B	C			F	G	H	I	J	K	L								A	B	C	D	E	F	G			J						P			
Brunei Darussalam								H	I											A	B	C	D	E		G				K								
Bulgaria		B	C	D		F	G	H	I	J		L			O					A	B	C	D	E	F	G	H	I	J	K	L			O				

State	Signature																		Ratification, accession or succession																	
	A	*B*	*C*	*D*	*E*	*F*	*G*	*H*	*I*	*J*	*K*	*L*	*M*	*N*	*O*	*P*	*Q*	*R*	*S*	*A*	*B*	*C*	*D*	*E*	*F*	*G*	*H*	*I*	*J*	*K*	*L*	*M*	*N*	*O*	*P*	*Q*	*R*	*S*
Burkina Faso	A																Q			A	B	C				G												
Burundi		B	C								K	L					Q			A		C	D															
Cambodia		B										L								A	B	C				G											
Cameroon							G										Q			A	B	C	D	E					J								
Canada	A	B	C	D	E	F	G	H	I	J	K	L								A	B	C	D	E	F	G	H	I	J		L						
Cape Verde												L								A	B	C																L
Central African Republic												L								A	B	C				G											
Chad		B	C														Q			A	B	C															
Chile		B			E		G	H	I	J		L				P				A	B	C	D	E	F	G	H	I	J		L						
China							G	H	I			L								A	B	C	D	E	F	G	H	I		K								
Colombia	A	B								J		L				P				A	B	C	D												P			
Comoros											K	L	M				Q			A	B	C															
Congo (Republic of the)	A		C				G					L					Q			A	B	C															
Cook Islands												L																									
Costa Rica		B	C				G	H	I	J	K	L				P				A	B	C	D							K				P			
Côte d'Ivoire							G			J	K						Q			A	B	C	D	E							L						
Croatia												L			O					A	B	C	D		F	G											
Cuba												L								A			D	E	F		H	I	J	K	L						
Cyprus			C								K	L			O					A	B	C	D	E	F		H	I		K	L			O			
Czech Republic											K	L			O					A	B	C	D	E	F	G			J	K				O			
Democratic People's Republic of Korea							G					L								A	B	C	D	E		G											
Democratic Republic of the Congo					E		G					L					Q			A	B	C	D														
Denmark	A	B	C	D		F	G	H	I	J	K	L			O					A	B	C	D	E	F	G	H	I	J	K			O			
Djibouti												L	M							A	B	C									M						
Dominica																								E			H										

State	Signature																			Ratification, accession or succession																			
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
Dominican Republic		B	C		E	F						L				P				A	B	C	D													P			
Ecuador	A	B		D		F		H	I	J		L				P				A	B	C	D	E	F				J									
Egypt			C		E		G	H	I	J	K	L	M	N			Q			A	B	C	D	E		G	H	I	J			M	N			Q		
El Salvador		B			E											P				A	B	C	D	E		G	H	I	J						P			
Equatorial Guinea		B															Q			A	B	C																
Eritrea																	Q												J									Q
Estonia											K	L			O					A	B	C	D	E	F	G	H		J		L		O					
Ethiopia		B	C				G										Q			A	B	C				G												
Fiji		B	C																	A	B	C				G												
Finland	A	B		D	E	F	G	H		J	K	L			O					A	B	C	D	E	F	G	H	I	J		L		O					
France	A	B				F	G	H	I	J	K	L			O					A	B	C		E	F	G	H	I	J	K	L		O					
Gabon		B	C		E		G			J		L					Q			A	B	C	D															
Gambia		B															Q			A	B	C				G	H		J									
Georgia												L			O				S	A	B	C				G			J				O					S
Germany	A	B	C	D	E	F	G			J	K	L			O					A	B	C	D	E	F	G	H	I	J				O					
Ghana		B					G			J		L					Q			A	B	C	D	E		G			J									
Greece	A	B	C		E	F	G	H	I	J	K	L			O					A	B	C	D	E	F	G	H	I	J				O					
Grenada																				A	B	C	D	E	F	G	H	I	J	K	L			P				
Guatemala	A	B	C	D	E	F						L				P				A	B	C	D	E	F	G			J	K	L			P				
Guinea										J		L					Q			A	B	C				G				K								
Guinea-Bissau										J		L					Q				B	C																
Guyana																				A	B	C																
Haiti			C		E	F														A	B	C	D	E														
Holy See	A																																					
Honduras					E					J		L				P				A	B	C		E														
Hungary		B	C	D		F	G	H	I	J	K				O					A	B	C	D	E	F	G	H	I	J	K			O					
Iceland				D			G				K	L			O					A	B	C	D	E	F	G	H	I			L		O					
India		B	C								K	L								A	B	C	D	E	F	G	H	I	J	K							R	
Indonesia	A	B				F	G					L								A	B	C			F													

State	Signature																			Ratification, accession or succession																			
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
Iran (Islamic Republic of)		B																		A	B	C	D			G													
Iraq		B			E			H	I				M							A	B	C	D			G													
Ireland	A					F	G				K	L			O					A	B	C			F	G								O					
Israel	A	B	C		E	F	G	H	I	J	K	L								A	B	C	D		F	G													
Italy	A	B	C	D	E	F	G	H	I		K	L			O					A	B	C	D	E	F	G	H	I						O					
Jamaica		B	C		E		G					L				P				A	B	C	D																
Japan	A	B			E						K	L								A	B	C	D	E	F	G	H	I	J	K	L								
Jordan		B	C				G	H	I	J		L	M							A	B	C	D	E		G			J			M							
Kazakhstan																			S	A	B	C	D	E		G			J									S
Kenya												L					Q			A	B	C	D	E	F	G	H	I		K						Q			
Kiribati																																							
Kuwait		B					G			J			M							A	B	C	D	E		G			J										
Kyrgyzstan																				A	B	C				G			J	K								S
Lao People's Democratic Republic		B	C																	A	B	C																
Latvia												L			O					A	B	C	D			G			J					O					
Lebanon							G			J			M							A	B	C	D	E	F	G	H	I	J			M							
Lesotho					E							L					Q			A	B	C		E						K	L				Q			
Liberia	A				E		G	H	I												B	C	D					H	I										
Libyan Arab Jamahiriya												L	M				Q			A	B	C	D	E	F	G				K		M			Q			
Liechtenstein		B				F						L			O					A	B	C	D	E	F	G								O					
Lithuania											K				O					A	B	C		E	F	G			J					O					
Luxembourg		B	C		E	F	G				K	L			O					A	B	C		E	F									O					
Madagascar	A									J	K	L					Q			A	B	C				G													
Malawi							G													A	B	C	D	E															
Malaysia		B					G													A	B	C																	
Maldives																				A	B	C	D			G			J	K							R		
Mali										J		L					Q			A	B	C	D	E	F	G	H	I	J		L				Q				
Malta												L			O					A	B	C	D	E		G	H	I	J	K	L			O					

State	Signature																			Ratification, accession or succession																
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
Marshall Islands							G													A	B	C				G	H	I										
Mauritania													M				Q			A	B	C	D	E														
Mauritius					E		G			J		L								A	B	C		E		G												
Mexico	A	B	C				G			J		L				P				A	B	C	D	E	F	G	H	I	J						P			
Micronesia (Federated States of)												L																										
Monaco											K	L								A	B	C		E	F	G	H	I	J	K	L							
Mongolia		B	C	D		F						L								A	B	C	D	E	F	G			J	K								
Morocco						F	G	H	I			L	M							A	B	C	D			G	H	I	J			M						
Mozambique												L					Q																					
Myanmar												L								A	B	C				G				K								
Namibia												L					Q																					
Nauru												L								A	B	C																
Nepal											K									A	B	C	D	E														R
Netherlands	A	B	C		E	F	G	H	I	J	K	L			O					A	B	C	D	E	F	G	H	I	J		K	L		O			
New Zealand		B	C		E		G	H	I			L								A	B	C	D	E		G	H	I									
Nicaragua			C	D						J		L				P				A	B	C	D												P			
Niger	A	B	C			F	G										Q			A	B	C	D															
Nigeria	A							H	I			L					Q			A	B	C																
Niue																																						
Norway	A	B		D	E	F	G	H	I	J	K	L			O					A	B	C	D	E	F	G	H	I	J	K				O			
Oman													M							A	B	C	D	E		G	H	I	J			M						
Pakistan	A	B					G			J										A	B	C	D	E	F	G	H	I										R
Palau																				A	B	C	D	E		G	H	I	J	K	L							
Panama	A	B	C		E	F					K	L				P				A	B	C	D	E	F	G			J	K					P			
Papua New Guinea																				A	B	C																
Paraguay		B	C	D		F						L				P				A	B	C	D		F										P			
Peru							G			J		L				P				A	B	C	D	E	F	G	H	I	J	K	L				P			
Philippines	A	B	C		E	F	G	H	I		K	L								A	B	C	D	E	F													
Poland		B	C	D		F	G	H	I		K	L			O					A	B	C	D	E	F		H	I						O				

State	Signature																			Ratification, accession or succession																	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
Portugal	A	B	C		E	F	G				K	L			O					A	B	C	D	E	F		H	I		K					O				
Qatar													M							A	B	C	D						J									
Republic of Korea	A					F	G			J	K	L								A	B	C	D	E	F	G			J									
Republic of Moldova												L			O				S	A	B	C	D		F	G			J					O				S
Romania		B	C	D		F	G				K	L			O					A	B	C	D	E	F	G	H	I	J					O				
Russian Federation		B	C	D		F	G	H	I	J	K	L			O				S	A	B	C	D	E	F	G	H	I		K				O				
Rwanda		B	C	D								L					Q			A	B	C	D	E						K	L				Q		
Saint Kitts and Nevis												L												E			H			K	L						
Saint Lucia																				A	B	C				G												
Saint Vincent and the Grenadines							G					L								A	B	C	D	E		G	H	I			L							
Samoa												L								A	B	C				G			J									
San Marino												L			O															K	L						
Sao Tome and Principe																																						
Saudi Arabia	A						G	H	I			L	M	N						A	B	C		E		G			J			M	N					
Senegal	A	B	C		E		G			J							Q			A	B	C		E												Q		
Seychelles								H	I			L								A	B	C	D				H	I										
Sierra Leone		B										L		N			Q			A	B	C																
Singapore		B	C									L								A	B	C				G												
Slovakia											K	L			O					A	B	C	D	E	F	G	H	I	J	K				O				
Slovenia											K	L			O					A	B	C	D	E	F	G			J	K				O				
Solomon Islands																				A		C																
Somalia												L	M																									
South Africa		B	C			F					K	L					Q			A	B	C				G			J									
Spain	A	B	C			F	G	H	I	J	K	L			O					A	B	C	D	E	F	G	H	I	J	K	L			O				
Sri Lanka							G				K	L								A	B	C	D	E		G	H		J	K	L						R	
Sudan											K	L	M				Q			A	B	C	D	E	F	G	H	I	J	K		M						

State	Signature																			Ratification, accession or succession																	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
Suriname					E															A	B	C		E														
Swaziland																	Q			A	B	C																
Sweden	A	B		D	E	F	G	H	I	J	K	L			O					A	B	C	D	E	F	G	H	I		K	L			O				
Switzerland	A	B	C		E	F	G	H		J		L			O					A	B	C	D	E	F	G	H	I	J					O				
Syrian Arab Republic													M							A	B	C	D								M							
Tajikistan												L							S	A	B	C	D	E	F	G												S
Thailand		B										L								A	B	C				G												
The former Yugoslav Republic of Macedonia											K	L			O					A	B	C	D	E	F	G			J									
Togo					E		G			J	K	L					Q			A	B	C	D	E		G												
Tonga																				A	B	C																
Trinidad and Tobago		B	C													P				A	B	C	D	E	F	G	H	I	J	K							
Tunisia				D								L	M	N			Q			A	B	C	D	E	F	G	H	I	J			M			Q			
Turkey		B	C			F	G	H	I	J	K	L			O					A	B	C	D	E	F	G	H	I	J	K	L			O				
Turkmenistan											K									A	B	C	D	E		G	H	I		K								S
Tuvalu																																						
Uganda					E						K	L		N			Q			A	B	C				G												
Ukraine		B	C	D			G	H	I	J		L			O					A	B	C	D	E	F	G	H	I	J	K				O				
United Arab Emirates							G						M							A	B	C				G			J			M						
United Kingdom of Great Britain and Northern Ireland	A	B	C	D	E	F	G	H	I	J	K	L			O					A	B	C	D	E	F	G	H	I	J	K	L			O				
United Republic of Tanzania																	Q			A	B	C																
United States of America	A	B	C	D	E	F	G	H	I	J	K	L				P				A	B	C	D	E	F	G	H	I	J	K	L				P			
Uruguay											K	L				P				A	B	C	D			G	H	I	J	K					P			

State	Signature																		Ratification, accession or succession																	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
Uzbekistan											K	L								A	B	C	D	E	F	G	H	I	J	K	L				P			
Vanuatu																				A	B	C					H	I									
Venezuela	A	B	C				G				K	L				P				A	B	C		E											P			
Viet Nam																				A	B	C	D			G											
Yemen			C										M							A	B	C	D	E			H	I		K		M					
Yugoslavia						F						L								A	B	C	D	E	F	G											
Zambia																				A	B	C							J								
Zimbabwe																				A	B	C															

B. Recent developments related to General Assembly resolution 51/210

228. By its resolution 56/88 of 12 December 2001, the General Assembly reaffirmed the mandate of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996. The Ad Hoc Committee held its sixth session from 28 January to 1 February 2002 to continue the elaboration of a draft comprehensive convention on international terrorism, with appropriate time allocated to the continued consideration of outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, and to keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations.[50]

229. The work of the Ad Hoc Committee is expected to continue during the fifty-seventh session of the General Assembly, within the framework of a working group of the Sixth Committee.

IV. Information on workshops and training courses on combating crimes connected with international terrorism

230. The Centre for International Crime Prevention of the **United Nations Office for Drug Control and Crime Prevention** indicated that it was developing, at the request of Member States, a project proposal which included various workshops and expert meetings. The aim of the project, entitled "Strengthening the Legal Regime against Terrorism", would be to provide assistance to Member States upon request on the ratification and implementation of the 12 international conventions and protocols related to the prevention and suppression of international terrorism. The proposal included the holding of expert workshops to prepare guidelines and curricula for becoming a party to these international instruments as well as regional and subregional working meetings to engage in an analytical review of the incorporation into the national legislation of offences contained in the instruments. In addition, the project would allow for regional expert group meetings to develop model laws, as well as segments of model legislation, and would contain provisions for the holding of national seminars for practitioners (judges, prosecutors and police officers) to strengthen capacities to fulfil primary obligations under the international instruments.

231. The **International Monetary Fund** (IMF) indicated that it provided training in economic management to officials of Fund member countries through the IMF Institute. Although the Institute did not offer special workshops or training courses on combating crimes connected with international terrorism, those issues were occasionally included in the training agenda. For example, legal aspects of Anti-Money Laundering and Combating Financing of Terrorism (AML/CFT) had been discussed jointly by the IMF Institute and the IMF Legal Department at the Seminar on Current Developments in Monetary and Financial Law, held in Washington, D.C., from 7 to 17 May 2002.

232. The **Universal Postal Union** (UPU) stated that, since 1990, the mission of its Postal Security Action Group (PSAG) had been to enhance the security and integrity of the international mail network. In addition to partnerships with worldwide postal administrations, PSAG had incorporated strong working relationships with international organizations such as the International Air Transport Association, the International Civil Aviation Organization, Interpol, the United Nations International Drug Control Programme, the World Health Organization, and the International Atomic Energy Agency.

233. Following the recent events of aviation and biological terrorism, PSAG had mobilized worldwide resources for training, consulting and other missions crucial to improving the safety and security of the mails. PSAG had conducted and had plans to organize future seminars and training courses in bioterrorism, money-laundering and the financial support of terrorism, aviation security and dangerous goods in the mail.

234. Following the events of 2001, the critical role of security in maintaining an effective international mail network had been greatly heightened. PSAG was positioned to effectively coordinate initiatives and channel the flow of communications among UPU-member countries.

235. The **World Health Organization** (WHO) reported that, with the support of the Government of

Switzerland, it was implementing a project on national preparedness relating to the deliberate use of biological agents. The project included development of technical guidelines and training materials and the establishment of a network of experts.

236. Furthermore, WHO had been requested by the Advisory Committee of the United Nations Disaster Management Training Programme to be the task manager for the development of a module on mass casualty management and preparedness targeted for inter-agency use at the country level, which would also cover malicious acts and terrorism. At the current stage the module was designed to comprise three elements: a general part covering general principles of emergency preparedness and response; specific sections dealing with the management of communicable diseases, chemical and nuclear incidents, structural collapse, transport accidents, outbreaks of fires, explosions and the direct use of violence; and a third component dealing with the specifics of intentional and terrorist events, with special attention to issues of risk perception and risk communication. Once a pilot version of the module was ready, WHO would field-test the module in close collaboration with the Disaster Management Training Programme in at least three countries.

V. Publication of a compendium of national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations

237. Pursuant to paragraph 10 (b) of the Declaration on Measures to Eliminate International Terrorism and on the basis of national laws and regulations relating to the prevention and suppression of international terrorism received from Governments, the Secretariat submitted for publication the compendium referred to in the Declaration. The publication should be available before the end of 2002 and will include contributions received from the following States: Algeria, Australia, Austria, Azerbaijan, Belarus, Burkina Faso, Canada, Chile, China, Cook Islands, Cuba, Ecuador, Egypt, El Salvador, Fiji, France, Georgia, Germany, Guatemala, Hungary, India, Israel, Italy, Japan, Malawi, Malaysia, Maldives, Mauritius, Mexico, New Zealand, Panama, Philippines, Poland, Republic of Korea, Russian Federation, Slovakia, Sri Lanka, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uzbekistan.

238. The Secretariat would like to renew its request to those States which have not yet done so to submit information on their national laws and regulations for inclusion in future volumes of the compendium.

Notes

[1] Note also the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism (resolution 51/210, annex).

[2] Available in the Codification Division of the Office of Legal Affairs.

[3] See sect. III.A.

[4] See sect. III.A.

[5] The text of the summary is available, in Spanish, in the Codification Division of the Office of Legal Affairs.

[6] Decision No. 91/1997. Guidance for members of the national banking system with respect to the detection and prevention of the movement of illicit capital; Instruction No. 1. Guidance for members of the national banking system with respect to the detection and prevention of the movement of illicit capital (money-laundering); Instruction No. 2. Guiding principles for members of the national banking system with respect to the detection and prevention of illicit collection and payment activities; Decision No. 27/1997. Establishment of the central repository of information on risk.

[7] S/2001/864; S/2001/1039; A/56/520-S/2001/1037; A/56/521-S/2001/1038; A/56/522-S/2001/1040; A/56/756-S/2001/1258; A/56/960-S/2002/573; A/56/969.

[8] The text of the statement by the Ministry of Foreign Affairs of Cuba, of 12 March 2002, referring to this judicial proceeding is available in the Codification Division of the Office of Legal Affairs.

[9] The texts are available in the Codification Division of the Office of Legal Affairs.

[10] See sect. III.A.

[11] The list of the provisions of the Penal Code is available in the Codification Division of the Office of Legal Affairs. The full text (in German) of the Liechtenstein Penal Code (LGBl.1988 Nr 37) may be found at http://www.gesetze.li.

[12] The texts (in English) of these legislative measures, as well as relevant ordinances, are available at www.pafl.li/engl_index.htm.

[13] See sect. III.A.

[14] The list is available in the Codification Division of the Office of Legal Affairs.

[15] See sect. III.A.

[16] "Criminal association": Articles 209 to 211 of the Penal Code stated that "any association or agreement established with a view to planning or committing crimes against persons or property constitutes a crime against public order" and that persons participating in such associations or agreements should be punished by 10 to 20 years' rigorous imprisonment. Any person who assisted the perpetrators of a crime against public order, as defined above, by providing them with equipment, means of communication, accommodation or a meeting place should be punished by 5 to 10 years' rigorous imprisonment.

[17] The legislation relating to firearms, whether they were considered war equipment (article 16 of the Convention on good-neighbourliness between France and Monaco of 18 May 1963, given force of law by Sovereign Ordinance No. 3,039 of 19 August 1963) or weapons in other categories (Act No. 913 of 18 June 1971 on weapons and munitions) stated that, in the absence of administrative authorization, the manufacture, trade, import, attempted import, acquisition, transfer, possession and transport of such weapons should be punished by fines and imprisonment, without prejudice to the measures of confiscation, auction or deactivation of seized weapons and munitions or to the withdrawal of authorizations issued. In particular, a penalty of one to five years' imprisonment and a fine of 9,000 to 18,000 euros was applicable in the Principality to any person who engaged in the manufacture or trade of weapons or munitions without obtaining a permit or declaring the activity, or who acted as an intermediary without being authorized to do so.

It should also be noted that, pursuant to article 218, paragraph 3, of the Penal Code, trafficking in weapons and munitions constituted a predicate offence in relation to money-laundering, in that goods and capital derived from such trafficking were classified as illicit and could be confiscated under article 219.

[18] Article 323. "Whosoever, by means of force, violence or coercion, has extorted the remittance of funds or assets, or the signature or remittance of a document, deed, title or paper of any kind containing or creating an obligation, requirement or release, shall be sentenced to 10 to 20 years' imprisonment.

Whosoever, by means of a written or verbal threat, defamatory allegations or accusations has extorted or attempted to extort either the remittance of funds or assets or the signature or remittance of one of the above-mentioned documents shall be sentenced to one to five years' imprisonment and fined in accordance with article 26 (4)".

[19] See sect. III.A.

[20] S/2001/1310.

[21] The annexes to the reply from Pakistan contain additional information and are available in the Codification Division of the Office of Legal Affairs.

[22] See sect. III.A.

[23] See sect. III.A.

[24] The text (in Russian) of the laws is available in the Codification Division of the Office of Legal Affairs.

[25] See sect. III.A.

[26] Uradni list Republike Slovenije Nos. 63/94, 70/94 — amendment and 23/99, *Official Gazette of the Republic of Slovenia*.

[27] See sect. III.A.

[28] Criminal Law, art. 515.2nd, L.O. 10/1995, as of 23 November.

[29] Criminal Law, Book II, Title XXII, Section Two, arts. 571-580, L.O. 10/1995, as of 23 November.

[30] Art. 571: crimes of destruction and arson; art. 572: attacks against individuals (death, serious injuries, abduction); art. 573: arms or ammunition depot, possession or deposit of explosive, flammable, incendiary or asphyxiant substances or devices or of their components, as well as their manufacture, traffic, transportation or supply, and their laying or use; art. 574: any other offence with the above-mentioned aims; art. 575: attacks against the patrimony.

[31] Criminal law, art. 576.

[32] Thus, the penalty of absolute disability — which up to now was considered an accessory penalty in terrorist offences — is introduced as main penalty with a period of six to twenty years in the second section of the new article 579.

[33] In the Spanish criminal law there is provocation to commit an offence when it is directly persuaded by the printing, the broadcasting or any other means of similar efficiency, which facilitates the publicity or before an audience, to commit an offence. There is conspiracy to commit an offence when two or more persons arrange to commit an offence and decide to commit it. And there is proposition to commit an offence when the person who has decided to commit an offence invites other person or persons to commit it.

[34] This summary is available in the Codification Division of the Office of Legal Affairs.

[35] These texts, in French, as well as texts in Arabic on the relevant legislative and judicial measures, are available in the Codification Division of the Office of Legal Affairs.

[36] Additional information is available at http://www.osce.org/events/bishkek2001.

[37] A list of the main IMO instruments relating to maritime security is available in the Codification Division of the Office of Legal Affairs.

[38] Additional information on IMF technical assistance programmes is available at www.imf.org/external/np/exr/facts/tech.htm.

[39] See sect. III.A.

[40] Additional information is found in the report of the Secretary-General of the Council of Europe to the 109th session of the Committee of Ministers, document SG/Inf(2002)19.

[41] The text is available in the Codification Division of the Office of Legal Affairs.

[42] Information on the outcome of the workshop is available in the Codification Division of the Office of Legal Affairs.

[43] A consolidated version of the frameworks is available in the Codification Division of the Office of Legal Affairs.

[44] www.icao.int/cgi/goto leb.pl?icao/en/leb/treaty.htm.

[45] www.un.org/law.

[46] www.iaea.org/worldatom/Documents/Legal.

[47] www.imo.org.

[48] www.legal.coe.int.

[49] www.oas.org/.

[50] For the report of the Ad Hoc Committee see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 37* (A/57/37).

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Measures to eliminate international terrorism

Measures to eliminate international terrorism

Report of the Secretary-General

Addendum**

Summary

The present report has been prepared pursuant to General Assembly resolution 50/53 of 11 December 1995, entitled "Measures to eliminate international terrorism". The information contained herein has been submitted by States and international organizations.

* A/57/150.

** This addendum contains information received after 31 May 2002, the date, as indicated in the circular letter of 22 February 2002, by which information was requested to be received for inclusion in the report.

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II. Measures taken at the national and international levels regarding the prevention and suppression of international terrorism and information on incidents caused by international terrorism

1. The texts in this section describing measures taken by Member States and international organizations have been taken directly from the replies received from the respective Member States and international organizations.

A. Information received from Member States[1]

2. **Austria** noted that after the events on 11 September 2001 and in accordance with international obligations, a bill to amend the Penal Code by introducing new offences such as "financing of terrorism" (as set out in the International Convention for the Suppression of the Financing of Terrorism) and "terrorist group" (as defined in the European Union (EU) draft Framework Decision on combating terrorism) is currently before the Austrian Parliament. A general category entitled "terrorist crimes" will make existing penalties for certain offences more severe in the circumstances foreseen by the EU draft Framework Decision on combating terrorism.

3. Currently, before the aforementioned bill comes into force, Austrian criminal law does not explicitly define terrorism. Neither the Substantive Criminal Law nor the Law of Criminal Procedure provides for specific provisions relating to terrorism. Therefore, terrorist crimes would be classified according to the general elements of a crime within the Penal Code and the penal secondary laws.

4. As regards existing legislation, the crimes of air piracy (§185 Penal Code — *Strafgesetzbuch* StGB) and wilful interference with the safety of aviation (§186 Penal Code) could be classified as typical "terrorist" crimes. All other kinds of terrorism are covered by the Austrian Penal Code. As far as the Austrian jurisdiction is concerned, §64, paragraph 1, of the Penal Code provides that certain serious crimes committed abroad have to be prosecuted by the Austrian authorities independently from the penal law of the place of the crime.

5. Austria also indicated that the following provisions of its Penal Code (*the Strafgesetzbuch*) were of relevance for the prosecution of terrorist acts:[2]

§75. Murder;

§102. Abduction for extortion;

§173. Intentional endangering by explosives;

§185. Air piracy;

§186. Wilful interference with the safety of aviation;

§§249-251. Assaulting supreme representatives of the State;

§277. Criminal conspiracy;

§278. Criminal gang;

§278a. Criminal organization;

§279. Armed organization;

§280. Amassing of combat equipment.

6. Concerning the Law of Criminal Procedure, Austria indicated that §14, paragraph 1, of the Code of Criminal Procedure (*Strafprozessordnung* — StPO) provides for jury trials in the event of certain "political" offences (for example "armed associations", "subversive associations", etc.).

7. Further important provisions of the Code of Criminal Procedure relate to searching of a house and a person, seizure, telecommunications-surveillance, audio-visual surveillance of individuals by technical means and computer aided data cross-referencing. §§139-149 of the Code of Criminal Procedure lay out all the requirements for the approval of procedural measures by the competent court.

8. In addition, Austria stated that the Law on Extradition and Mutual Legal Assistance (*Auslieferungs-und Rechtshilfegesetz* — ARHG) contains some more relevant provisions. It takes into consideration that terrorist crimes also sometimes have a political character. §14 of the ARHG excludes extradition for purely political offences as well as for so-called relatively political offences.

9. "Relatively political crimes" are defined as crimes with underlying political motivations except in

cases where — considering all circumstances of an individual case, especially the type of crime committed, the means and methods which have been applied or which have been threatened to be applied or the gravity of the consequences resulting therefrom or of the intended consequences — the criminal character outweighs the political character of the offence. This provision is in line with article 3 of the Council of Europe Convention on Extradition and with most of the Austrian bilateral extradition treaties in force. According to §51, paragraph 1 (1) of the ARHG, this provision also applies to judicial assistance. Similar provisions are regularly contained in bilateral treaties on mutual legal assistance.

10. As regards international treaty obligations, upon ratification of an international, regional or bilateral treaty, such a treaty is considered to be part of Austrian law once it has entered into force. However, it has to be examined, to determine whether any of its provisions are self-executing, i.e., directly applicable by national authorities, and if so, which ones, and to determine to what extent it is necessary to enact specific enabling legislation.

11. With regard to the provisions on extradition and mutual legal assistance contained in international, regional and bilateral treaties relating to international terrorism, no enabling legislation is called for, as section 1 of the Austrian Act on Extradition and Mutual Assistance in Criminal Matters of 4 December 1979 provides that its provisions only apply in the absence of conflicting rules of applicable treaties. Consequently, such rules are directly applicable by national authorities.

12. The **Islamic Republic of Iran** provided information on the international anti-terrorism instruments to which it is a party.[3] It also indicated that it was in the process of ratifying the Organization of the Islamic Conference Convention on Combating International Terrorism and that it was seriously considering ratification of and adherence to the remainder of international instruments on combating international terrorism.

13. Furthermore, it was stated that there was no distinct law in the Islamic Republic of Iran on combating terrorism. However, there were a number of laws in place which criminalized acts of terrorism and prescribed sentences for the perpetrators of such acts. These laws were as follows:

- Islamic Sentencing Law of 1991 and 1996;
- Extradition of Criminal Act of 1960;
- Punishment of Perpetrators of Misdemeanors and Felonies against Other Countries Act of 1971;
- Entry and Residency of Foreign Nationals in Iran Act of 1921 and Amendments;
- Punishment of Trafficking of Unauthorized Individuals at Borders Act of 1988;
- Augmenting Punishment for Arms Trafficking and Armed Traffickers Act of 1969;
- Augmenting Countermeasures against Acts of Terrorism by United States Administration Act of 1989;
- Combating Narcotic Drugs Act of 1988 and Amendments;
- Punishment of Saboteurs in Iran's Oil Industry Act of 1959;
- Punishment of Saboteurs in Industries Act of 1959;
- Punishment of Saboteurs in Electricity, Water, Gas and Telecommunication Infrastructure Act of 1974;
- Punishment of Saboteurs of Aircraft Safety and Sabotage of Equipment and Facilities thereto Act of 1970;
- Punishment of Offences in the Railway Act of 1932;
- Iran's Atomic Energy Organization Act of 1974;
- Presidential Election of the Islamic Republic Act of 1985;
- Political and Professional Parties, Societies and Associations Act of 1981;
- Punishment for Smuggling of Goods and Foreign Currency Act of 1995.

14. Notwithstanding the above-mentioned laws, a comprehensive law on combating international terrorism is under preparation, which will be submitted for ratification to the Islamic Consultative Assembly in the near future.

15. Following the terrorist attacks in the United States of America on 11 September 2001 and in

response to the appeal made by the Security Council in accordance with its resolution 1373 (2001), the Islamic Republic of Iran has adopted a number of practical measures to ensure, among other things, the safety and security of civil aviation, increased security measures at its borders with a view to preventing the entry of terrorists into its territory, and to enhance checks and balances mechanisms in its banking system.

B. Information received from international organizations

1. United Nations system

16. The **International Civil Aviation Organization** (ICAO) indicated that in the wake of terrorist acts committed in the United States on 11 September 2001, ICAO Assembly at its 33rd Session, on 5 October 2001, adopted resolution A33-1, entitled "Declaration on misuse of civil aircraft as weapons of destruction and other terrorist acts involving civil aviation". Pursuant to that resolution, on 19 and 20 February 2002, the Council convened at ICAO headquarters, in Montreal, a high-level ministerial Conference on Aviation Security with the objectives of preventing, combating and eradicating acts of terrorism involving civil aviation; strengthening the role of ICAO in the adoption of security-related standards and recommended practices and procedures, and the audit of their implementation; and ensuring the necessary financial means for urgent actions by ICAO in the field of aviation security.

17. The Conference endorsed a global strategy for strengthening aviation security worldwide, adopted a number of conclusions and recommendations, and issued a public declaration. A central element of the strategy is an ICAO aviation security plan of action, which includes regular, mandatory, systematic and harmonized audits to enable the evaluation of aviation security in place in all ICAO Contracting States. The Plan of Action also includes:

(a) Identification, analysis and development of an effective global response to new and emerging threats, integrating timely measures to be taken in specific areas, including airports, aircraft and air traffic control systems;

(b) Strengthening of the security-related provisions in the annexes to the Convention on International Civil Aviation, using expedited procedures where warranted and subject to overall safety considerations, notably to provide for protection of the flight deck;

(c) Close coordination and coherence with audit programmes at the regional and subregional levels;

(d) Processing of the results by ICAO in a way which reconciles confidentiality and transparency;

(e) A follow-up programme for assistance, with rectification of identified deficiencies.

18. As regards technical security measures, ICAO recalled that amendment 10 to annex 17, "Security — Safeguarding of international civil aviation against acts of unlawful interference", had been adopted by the Council on 7 December 2001 and had become applicable on 1 July 2002. The amendment included the introduction of new provisions in relation to the applicability of the annex to domestic operations, international cooperation relating to threat information, the National Aviation Security Committee, national quality control, access control, passengers and their cabin and hold baggage, in-flight security personnel, protection of the cockpit, code-sharing/collaborative arrangements, human factors and management of response to acts of unlawful interference.

2. Other organizations

19. The **Council of Europe** provided the text of the Guidelines on Human Rights and the Fight against Terrorism, adopted on 11 July 2002, as well as the final activity report of the Group of Specialists on Human Rights and the Fight against Terrorism containing, inter alia, the reference texts used in the preparation of the guidelines.[4]

20. The **European Union** provided information to supplement its report on the implementation of Security Council resolution 1373 (2001).[5] The Union stated that it had made further progress with regard to judicial cooperation within EU. The crucial step forward in that regard had been the agreement reached on two binding Framework Decisions. The first concerned the creation of a European arrest warrant. The second, on combating terrorism, notably laid down that all EU member States must establish terrorist offences in their national law, as well as establishing serious criminal sanctions for those offences.

21. The Council had adopted the Framework Decision on the European arrest warrant and surrender

procedures between member States on 13 June 2002.[6] Consequently, EU member States had until 31 December 2003 to adapt their national legislation, and the European arrest warrant should then enter into force in the Union on 1 January 2004. A number of EU member States, however, had already undertaken to apply the European arrest warrant between them as from the beginning of 2003. Similarly, the Framework Decision on combating terrorism had been adopted by the EU Council on 13 June 2002.[7]

22. Another Framework Decision had moreover been elaborated, providing for automatic mutual recognition of "freezing" orders for evidence or assets between the EU member States. This would apply to freezing orders concerning all criminal offences where such a power was available under the domestic law of the issuing State, and it would apply in any case where terrorist offences were concerned.

23. In addition, there had also been a number of changes in provisions at the EU level for the freezing of funds and assets with a view to preventing the financing of terrorism. The measures currently in place corresponded to the following categories:

(a) Persons and entities whose funds or assets shall be frozen in accordance with Security Council resolutions 1267 (1999) and 1390 (2002), i.e. having a connection with al Qa'idah or the Taliban. The relevant act was Council regulation (EC) No. 467/2001, which was to be replaced by a new regulation in the near future;

(b) Persons and entities whose funds and assets shall be frozen in accordance with regulation (EC) No. 2580/2001. That category consisted of persons and entities which were involved in international terrorism or its financing, but were neither subject to the United Nations regime targeting al Qa'idah and the Taliban nor considered to be involved in terrorism or its financing deemed strictly internal to EU;

(c) Persons and entities whose funds or assets shall be frozen in accordance with legislation of one or more member States, either because EC legislation was awaited (see article 60 of the EC Treaty) or because they were involved in terrorism or its financing deemed strictly internal to EU.

24. The Union had moreover continued to move forward in the area of operational cooperation between law enforcement agencies and judicial authorities within EU. That was a relatively new area for EU, but one which had received a strong impetus since 11 September. Two initiatives in particular were concerned. The first was the creation of Eurojust, the European Judicial Cooperation Unit, which would seek to improve cooperation between national judicial authorities in EU. Eurojust had been formally created in March 2002. It would be able to conclude cooperation agreements with third countries. In addition, further steps have been taken by the European police agency, Europol, towards effective cooperation with the United States in particular.

25. Furthermore, the Council and the Commission were working on a number of proposals for legislative texts concerning issues relating to asylum procedures, the reception of asylum-seekers and the granting of refugee status. In all of these, security concerns would be enhanced or clarified where appropriate, and issues such as exclusion from refugee status would also be covered. The Council and the Commission were also continuing to work with member States, the European Parliament and other partners on the relationship between safeguarding internal security and complying with international protection obligations and instruments.

26. In addition to the above measures, which applied mainly within EU, the Union had made further progress in its efforts to promote effective counter-terrorism policies in other parts of the world, and notably to promote adherence to the key United Nations instruments in the field.

27. One of the tools in that regard was the use of the EU agreements with third countries. In that regard, the Union would seek to introduce counter-terrorism clauses in its agreements with third countries as a tool to combat terrorism. They would notably underline the importance of the fight against terrorism and the commitment of both parties to cooperate in the prevention and suppression of acts of terrorism, in particular in the framework of the full implementation of Security Council resolution 1373 (2001) and other relevant United Nations resolutions, international conventions and instruments.

28. Another dimension of the effort to help countries outside the Union implement United Nations instruments, notably resolution 1373 (2001), was the provision of technical assistance. In that regard, the Commission had established an inventory of the kind

of assistance which was already being provided in areas covered by resolution 1373 (2001), and of the kind of further assistance which would be possible, under the Commission's existing external assistance programmes. The Commission was already providing a certain amount of assistance facilitating the implementation of resolution 1373 (2001), and there was substantial scope within existing assistance programmes to provide further assistance.

29. The Commission attached great importance to the regional dimension of its assistance. It had thus had some experience, for example, on working with its partners in the Asia-Europe Meeting (ASEM) context on money-laundering, and looked forward to exploring how it could develop regional cooperation along those lines elsewhere. The Commission attached great importance to cooperating with the United Nations, and with the Counter-Terrorism Committee in particular, in establishing how it could further contribute to the global effort to ensure that all countries had the capacity to combat and prevent terrorism effectively.

30. The **Organization of American States** (OAS) indicated that, in response to the events of 11 September, its member States had established a Working Group to draft the Inter-American Convention against Terrorism, which was based on international conventions on the matter. The Convention, which had created a regulatory framework that enhanced the cooperation within the hemisphere in the area of new issues in the fight against terrorism, had been adopted and opened for signature at the OAS General Assembly in Barbados in June 2002.[8]

31. The Inter-American Committee Against Terrorism (CICTE), the specialized organ of OAS dealing with terrorism issues, had held its second regular session on 28 and 29 January 2002. The Committee currently had a full-time presence and a small secretariat to administer its activities. High-level participants from the member States had attended the second regular session to adopt the CICTE work plan for 2002-2003 and to present their reports on actions they had put into practice to halt international terrorism as a follow-up to the decision of the Ministers of Foreign Affairs at the twenty-third consultative meeting.

32. CICTE was currently developing an electronic database of expert points of contact, sample legislation and international conventions to support the efforts of member States to combat terrorism. The online database would enhance the exchange of information between States and the state of preparedness of the individual States.

IV. Information on workshops and training courses on combating crimes connected with international terrorism

33. The **International Civil Aviation Organization** indicated that it was continuing the development of its training programme for aviation security, consisting of a series of aviation security training packages designed for global application. To date, seven such packages had been completed and were available for sale and distribution throughout the international civil aviation community.[9] To assist in the implementation of the aviation security audit programme, ICAO was developing new training and guidance material on national quality control, system testing, auditors training, audit guidelines and forms for urgent distribution to all Contracting States. The purpose of the initiative was to provide States with the necessary training tools that would in turn assist them in developing the components of their national aviation security training programmes. Furthermore, to meet States' training requirements and to render assistance in the area of programme formulation, topic-focused seminars/workshops had been developed and were being conducted in all ICAO regions in the ICAO regional aviation security training centres in Amman, Brussels, Casablanca, Dakar, Kiev, Moscow, Nairobi, Penang, Port of Spain and Quito, under the mechanism for effective implementation of standards and recommended practices contained in annex 17 (Security) to the Chicago Convention. Thus far, over 210 training events had been organized for more than 4,200 participants.

34. The **Organization of American States** reported that the programme activities of the CICTE work plan for 2002-2003 contained specific recommendations for CICTE and for the OAS member States. Within the structure of the work plan, delegates directed CICTE, in cooperation with the Inter-American Development Bank and other international agencies, to conduct training and assistance programmes. The programmes and workshops should be intended for instructing

officials responsible for the fight against terrorism. Those efforts would focus initially on improving the capabilities of member States with respect to financial and border controls issues. As the programmes developed further, they would be made available to other members of the international community.

V. Publication of a compendium of national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations

35. As at 13 September 2002, the Secretary-General had also received the text of laws and regulations from the Governments of Bahamas, the Dominican Republic, Malaysia and the Republic of Moldova.

Notes

[1] Information on the participation of States in multilateral agreements relating to the suppression of international terrorism is presented separately in section III.A of the main report (A/57/183). Additional information can be found in the reports which States have submitted to the Counter-Terrorism Committee of the Security Council. These reports can be found at www.un.org/Docs/sc/committees/1373.

[2] The full text, in German, of these provisions can be found at www.ris.bka.gv.at, section "*Abfrage Bundesrecht*". A summary in English is also available at the Codification Division of the Office of Legal Affairs.

[3] See A/57/183, sect. III.A.

[4] The texts are available at www.coe.int and at the Codification Division of the Office of Legal Affairs.

[5] S/2001/1297.

[6] 2002/584/JHA.

[7] 2002/475/JHA.

[8] For the text of the Convention, see www.oas.org.

[9] The packages are: 123/AIRLINE, 123/BASIC, 123/CARGO, 123/CRISIS MANAGEMENT, 123/INSTRUCTORS, 123/MANAGEMENT and 123/SUPERVISORS.